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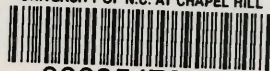
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PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

SESSION OF 1858-'9:

RALEIGH:

HOLDEN AND WILSON, PRINTERS TO THE STATE.

1859.

PRIVATE LAWS
OF
NORTH-CAROLINA.
1858-'9.

ACADEMIES.

Chap. 63.

AN ACT TO INCORPORATE RUTHERFORD ACADEMY IN BURKE COUNTY.

Trustees incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That R. L. Abernathy, Daniel P. Johnson, John Sides, Peter Fincannon and William W. Connelly, and four other persons to be by the above named selected, all of the county of Burke, and their successors be, and they are hereby constituted a body corporate and politic, to be known and distinguished by the name and style of the "Trustees of Rutherford Academy;" and by that name, shall have perpetual succession, and may hold and convey, real, personal and mixed property, not exceeding one hundred thousand dollars.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the—day of —, 1859.*]

AN ACT TO INCORPORATE THE SHOAL CREEK ACADEMY.

Chap. 64.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That G. Bryant, R. Deaver, S. O. Dea-

Incorporated.

ver, C. M. Stiles, J. E. Link, James Shearer, R. W. Walker, W. J. McCrea, E. M. Kilpatrick, A. D. Kilpatrick and their successors be constituted a body politic and corporate by the name and style of the Shoal Creek Male Academy of Cherokee county, an institution of learning; and shall be invested with all the rights and privileges, and be subject to all the rules, regulations and restrictions contained in the 26th chapter of the Revised Code, so far as they are applicable to such corporations, and are not inconsistent with the provisions of this act.

Joint stock company.

SEC. 2. *Be it further enacted*, That said company shall be a joint stock company, with a capital not exceeding three thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 3. *Be it further enacted*, That said company shall have power to hold personal and real estate in any sum not exceeding ten thousand dollars, and open books for subscription.

SEC. 4. *Be it further enacted*, That this act shall be in force, from and after its ratification. [*Ratified the — day of —, 1859.*]

AGRICULTURE.

Chap. 65. AN ACT TO INCORPORATE THE WESTERN NORTH-CAROLINA AGRICULTURAL SOCIETY.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Samuel Kerr, P. B. Chambers, James E. Kerr, J. J. Summerell, R. F. Simonton, William King, David Waddel, Joseph Bogle, W. P. Burke, Dr. C. J. Fox, J. W. Osborne, James Cannon, M. L. McCorkle, W. W. Lenoir, Isaac Avery, James B. Gordon, M. S. Stokes, A. L. Hackett, George Bower, Jordan Council, N. W. Woodfin, S. A. G. Love, L. Thompson, Thomas Patton, Thomas J. Lenoir, Walter Brown, B. S. Britton, Jesse R. Siler, Alex. Fisher, John A. Fagg, M. P. Pannel, V. Ripley, A. Higgins, Allen Y. Burgin, Sr., Gilbreth Dixon,

Gen. John A. Young, Stephen Cole, Dr. M. T. Waddell, Samuel Hargrove, Peter Hairston, Maxwell Cuttrell, Richard Gwyn, Thomas C. Wilson, Henderson Sherrill, Marcus Austin, Gen. Samuel F. Patterson, Edmund Jones, Rufus L. Patterson, their associates and successors, are hereby incorporated and made a body corporate under the name and style of "The Western North-Carolina Agricultural Society," and by that name shall sue and be sued, purchase and hold personal and real estate, not exceeding in value the sum of fifty thousand dollars, and have all such power and authority as is incident to bodies corporate, not inconsistent with the laws of the land. Name.

SEC. 2. Said Society shall annually elect a president, four vice presidents, treasurer, recording secretary, corresponding secretary, and such other officers as may be deemed necessary, all of whom shall hold their offices until their successors are appointed, and said corporation shall have power to make all necessary by-laws, rules and regulations, not inconsistent with the laws of the land, as may be necessary or proper for the purpose of carrying out and effecting the objects of said society, and shall have power to establish and hold fairs at such times and places as may be selected by them, and award premiums for the encouragement of agriculture, manufactures, the mechanic and fine arts, and all the industrial pursuits of the country, and shall also have a common seal.

SEC. 3. Said incorporate society shall exist and continue, with the privileges hereby conferred, for the space of ninety-nine years. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AUTHORIZE THE INCORPORATION OF COMPANIES FOR AGRICULTURAL OR GRAZING PURPOSES. Chap. 66.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any number of persons, not less than three, who may be desirous of engaging in any scheme of agriculture, or for draining swamp lands for agricultural pur-

poses or any scheme of grazing, may be incorporated in the manner prescribed in the 14th section of 26th chapter of the Revised Code for the incorporation of charitable, literary and other companies. [*Ratified the 16th day of February, 1859.*]

BANKS.

Chap. 67.

AN ACT TO ESTABLISH THE BANK OF NORTH-CAROLINA.

Capital of the
bank.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a bank shall be established, the capital stock whereof shall not exceed two millions five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be known and styled "The bank of North-Carolina," and the stockholders therein, their successors, and assigns, shall be a body corporate, and shall so continue until the first day of January, 1890, with capacity to possess and hold real and personal estate to an amount not exceeding seven millions and one-half a million of dollars, including the capital stock.

State and Uni-
versity sub-
scriptions.

SEC. 2. *Be it further enacted,* That the State shall be entitled to subscribe the amount of the literary fund now invested in the bank of the State as part of the capital stock, and the trustees of the University of North-Carolina also as part thereof a sum not exceeding two hundred thousand dollars, and individuals shall be entitled to subscribe the residue of the stock; and books shall be opened in the city of Raleigh on the first day of —, one thousand eight hundred and fifty-nine, under the direction of the governor, the treasurer and comptroller, as commissioners to receive subscriptions to stock at the city of Raleigh, and at the same time at such other places, and under the direction of such persons as may be designated by the commissioners aforesaid, a majority of whom may do the duties herein prescribed for them; and if the whole number of shares other than those reserved for the State and the trustees of the University shall not be subscribed within sixty days,

they may keep the books open for six months thereafter for the purpose of receiving subscriptions.

SEC. 3. *Be it further enacted*, That if a greater sum than the amount allowed shall be subscribed by individuals, the commissioners at Raleigh shall reduce the subscriptions according to a scale to be established by them for that purpose to such amount; *Provided*, That subscriptions of two shares or under shall not be scaled until all larger subscriptions shall first be reduced to an equality with them; and, *Provided further*, That in scaling subscriptions any subscriber shall make affidavit before some justice of the peace, if demanded by any other subscriber, that each and every subscription in his name was made for himself and not for the use of another; and if the same shall have been made for another, and the agency do not appear in the subscription, or if the subscriber refuse to make the affidavit, the subscription of such subscriber shall be rejected.

Subscriptions
may be scaled.

SEC. 4. *Be it further enacted*, That the public treasurer shall subscribe on behalf of the president and directors of the literary fund for an amount of stock equal to that now held by the literary fund in the bank of the State of North-Carolina.

Public treasurer
to subscribe
for literary
fund.

SEC. 5. *Be it further enacted*, That all payments on shares subscribed by the State or others shall be in gold or silver coins of the United States or Spanish milled dollars, and shall be made as follows, to-wit: Twenty-five dollars on each share at the time appointed for the first general meeting of the stockholders, to be paid to the commissioners appointed to receive subscriptions at the city of Raleigh; twenty-five dollars ninety days thereafter, twenty-five dollars one hundred and twenty days after the time for paying the second instalment, and the remaining twenty-five dollars one hundred and twenty days after the third instalment: *Provided*, That after a sufficient number of shares shall have been subscribed, and payments made thereon, for the bank to go into operation, as hereinafter provided, the remaining payments may be made by the subscribers at the said bank or any of its branches or agencies. Any subscriber, and the State as well, may pay the whole of his subscription or any greater part than is hereby required before

Payment to be
made in specie

the time limited for the same ; and every subscriber so paying in advance shall have a discount at the rate of six per cent. per annum on such advances, computing the same from the time when payment is made to the time when it is required to be made.

When to go into operation ; dividends.

SEC. 6. *Be it further enacted*, That the bank may go into operation whenever one million of stock shall have been subscribed, and two hundred and fifty thousand dollars shall have been paid in. But no dividends of profit shall be declared until the whole amount of the capital stock subscribed shall have been realized to the bank in gold or silver.

Treasurer to raise money on stock in Bank of the State.

SEC. 7. *Be it further enacted*, That the State, for the purpose of raising the sum to be subscribed on behalf of the literary fund, may use the stock now in the bank of the State of North-Carolina appropriated to that fund, and may borrow the money on the pledge of that stock to be repaid with the proceeds of the stock, as it shall be returned to the State on the expiration of the charter ; and the treasurer is hereby authorized to effect the negotiation, and to receive and apply the stock as herein provided.

No discount to stockholder till his subscription is fully paid.

SEC. 8. *Be it further enacted*, That no discount shall be made by the bank on any paper to which a subscriber's name shall be, either as principal or surety, until the whole of such subscriber's stock shall have been paid.

Proceedings on failure of stockholders to pay up.

SEC. 9. *Be it further enacted*, That if any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank either by motion to the court of the county where the delinquent may reside, upon giving him ten days notice of the motion, or by action of assumpsit ; or the entire stock may be sold by order of the directors for cash, at the banking house in Raleigh, after advertisement of sale for twenty days in two newspapers published in the city. And if at such sale the price should not be sufficient to discharge the amount unpaid with all the costs attending the sale, the subscriber shall be liable for the deficiency in an action of assumpsit.

Assignees of stock liable.

SEC. 10. *Be it further enacted*, That if any subscriber shall assign his stock before its full payment, he and his

assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or in assumpsit.

SEC. 11. *Be it further enacted*, That in every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Subscription deemed a promissory note.

SEC. 12. *Be it further enacted*, That the bank shall be located in the city of Raleigh, and shall be managed by ten directors, and the number which the State may appoint, the public treasurer in office being always one of them, shall bear the same proportion to the number which the other stockholders may appoint as the stock then held by the State shall bear to that held by other stockholders; and in ascertaining such relative number, if there be fractions of stock, the State or individual stockholders, whichever may have the largest fraction, shall be entitled to the director; and if there be a tie, the State shall appoint the director.

Bank to be located in Raleigh.

SEC. 13. *Be it further enacted*, That every director, whether appointed by the State or individuals, shall be the proprietor of at least ten shares of stock, and shall not be a director in any other bank, unless allowed by three-fourths of the stockholders.

Directors to own stock.

SEC. 14. *Be it further enacted*, That the governor, secretary of State and comptroller shall appoint directors for the State until otherwise provided by the legislature.

State directors.

SEC. 15. *Be it further enacted*, That the president of the bank shall be chosen out of the board of directors, and by a majority of that body, and shall have an annual salary to be allowed by the stockholders in general meeting.

President.

SEC. 16. *Be it further enacted*, That branches or agencies of the bank may be established at such times and places as the stockholders in general meeting may designate, with such amount of capital as the directors of the bank may assign, and all branches or agencies shall be removable at the pleasure of the president and directors after one year's notice shall have been given of such intended removal, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Branches to be located.

Branch directors.

SEC. 17. *Be it further enacted*, That the president and directors may, for each branch, annually appoint, removable at their pleasure, five directors, being stockholders, and such officers and servants for themselves and the several branches and agencies as may be necessary for executing the business of the corporation, with such compensation as they may deem reasonable.

Power of president and directors.

SEC. 18. *Be it further enacted*, That the president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing the affairs of the corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders and the law of the land, and they shall continue in office until their successors are elected.

Semi-annual dividends.

SEC. 19. *Be it further enacted*, That the dividends of the profits of the bank shall be made semi-annually.

President to report condition of bank to the treasurer.

SEC. 20. *Be it further enacted*, That it shall be the duty of the president of the bank, on the fifteenth day of August, one thousand eight hundred and fifty-nine, and at the expiration of every three months thereafter during its corporate existence, to transmit to the public treasurer, and have published in two papers having the largest circulation at the seat of government, a full and correct statement of the condition of the bank, showing the amount of capital, notes in circulation and from what places issued, debts due to other banks and what banks, and all other particulars necessary to show the debit side of the account, also the amount of specie on hand, debts due from other banks and what banks, real estate, the amount of notes or bonds discounted, and of bills of exchange, showing in one item the amount due from directors, and in another the amount due from stockholders not directors, (but in no case designating the name of the debtors,) and all other particulars necessary to show the true condition of the credit side of the account; which statement, together with a statement of the dividends which shall accrue from time to time upon the stock of the bank, the public treasurer shall lay before the General Assembly.

Meeting of stockholders.

SEC. 21. *Be it further enacted*, That there shall be an annual meeting of the stockholders at such time and place as

they shall appoint. The president and directors of the bank shall also have power to call a meeting of the stockholders, at any time they may think proper; and any number of stockholders, holding together one-tenth of the stock, may call a special meeting on giving at least sixty days notice, signed by each of them, or by some one by them duly authorized, in two or more gazettes published in the city of Raleigh, in which notice shall be specified the several purposes and objects of the proposed meeting.

SEC. 22. *Be it further enacted*, That in all meetings of the stockholders the stock of the State shall be represented by the treasurer, or by such other person as the governor may appoint. State stock.

SEC. 23. *Be it further enacted*, That all stockholders, being citizens of the United States, may vote either in person or by proxy, at the meetings of the stockholders, and none but a stockholder shall be a proxy. Proxies.

SEC. 24. *Be it further enacted*, That the vote to which each stockholder shall be entitled, except the State, shall be according to the number of shares he may hold in the following proportions, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; for every ten shares above one hundred and not exceeding two hundred, one vote; for every twenty shares over two hundred, one vote; and the vote of the State shall be in the same ratio compared with the whole number of individual shares represented as is the stock of the State compared with the stock held by other stockholders. Vote in meeting of stockholders.

SEC. 25. *Be it further enacted*, That a majority of the directors of the bank, or any three of the directors at the branches, shall constitute a board for the transaction of business, of whom their respective presidents shall always be one, except in case of sickness or necessary absence, when his place may be supplied by any other director whom he, by writing, may nominate; and if no such nomination be Meeting of directors to transact business.

made, the board present may select a president for the time.

Real estate.

SEC. 26. *Be it further enacted*, That the lands, tenements and hereditaments which the corporation may acquire shall be only such as shall be requisite for the convenient transaction of its business and for the accommodation of its officers, agents or servants, and such as may have been *bona fide* mortgaged to it by way of securing, or conveyed to it in satisfaction of debts previously contracted in the ordinary course of business, or purchased at sale upon judgments or decrees rendered in favor of the bank.

What the bank may deal in.

SEC. 27. *Be it further enacted*, That the corporation shall not deal, except in gold or silver coin or bullion, bills of exchange, mint certificates, bonds or promissory notes expressing on the face of them to be negotiable and payable at the bank, or some of its branches or agencies, and in the public debt of the United States or of this State; *Provided*, That investments in such public debts and securities shall not exceed at any one time one-half of the capital stock of the bank.

Bills or notes to be assignable, &c.

SEC. 28. *Be it further enacted*, That the bills or notes which may be issued by order of the corporation, signed by the president, and countersigned by the cashier of the bank, promising the payment of money to any person, or his order, or to the bearer, shall be binding and obligatory on the same, in like manner and with like force and effect as upon any private person, issued by him in his private or natural capacity, and shall be assignable by endorsement, and those which are payable to bearer shall be negotiable and payable by delivery only.

No note to be issued for less than \$5.

SEC. 29. *Be it further enacted*, That no note, check, order, draft or promise to pay money, shall be made, drawn or issued by the bank for a less sum than five dollars; and every note, bill, or other species of paper intended for circulation, of a greater denomination than five dollars shall be a multiple of five; and no certificate of deposit or other acknowledgment of indebtedness shall be made, drawn, or issued by any cashier, teller or officer of the bank, for any sum less than twenty dollars; *Provided*, That the legisla-

ture may at any time hereafter restrain the bank from issuing any note of a less denomination than ten dollars.

SEC. 30. *Be it further enacted*, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of its specie on hand. Circulation.

SEC. 31. *Be it further enacted*, That the bank shall not take more than at the rate of one-half of one per centum for every thirty days for or on account of its loans or discounts, which may be received in advance at the time of discount. Rate of interest

SEC. 32. *Be it further enacted*, That if the holder of any note issued by the bank shall demand payment thereof at the place where such note is payable, and the same shall not be promptly paid, such note shall draw interest at the rate of twelve per centum per annum, from the time of demand until it shall have been paid; and in case of a suspension of specie payment by the bank, unless upon the advice of the governor and council given in writing, the bank shall pay into the public treasury, and it is only [hereby] made the duty of the public treasurer to collect it at the rate of 4 per cent. per annum on the amount of its circulation at the date of its last published statement for the time it shall remain suspended; and if any note shall be payable at a branch or agency which, before the same is presented for payment, shall have been discontinued, the said note shall be deemed to be due and payable at the principal bank. Suspension of specie payments.

SEC. 33. *Be it further enacted*, That no director or other officer or clerk of the said bank shall directly or indirectly receive any compensation for any agency, for negotiating any business with the bank or its branches, in procuring discounts, renewing notes, or receiving money for individuals on notes discounted; and any director or other officer or clerk so offending shall be removed from office and disqualified from thereafter holding any office in the bank or its branches. Directors, officers, &c.

SEC. 34. *Be it further enacted*, That if any officer or director of the bank, or any of its branches, shall receive any gift, gratuity or reward, from any person, in consideration of his obtaining for such person, any loan or bank accom-

modation, or if any such officer or director shall discount, or purchase any note or bill with his own private funds, and shall afterwards place the same in bank, as the property of said bank, all persons so offending shall be deemed guilty of a misdemeanor, and upon conviction in the superior court shall be fined and imprisoned at the discretion of the court.

Bank to receive
treasurer's de-
posits.

SEC. 35. *Be it further enacted*, That the bank shall at all times, when required, receive in deposit at their principal bank, or any of its branches or agencies, to the credit of the treasurer of the State, as much of the public moneys as he may offer to deposit; *Provided*, The same shall be in such funds as the bank at the time is receiving from other depositors.

Violation of
charter.

SEC. 36. *Be it further enacted*, That the corporation shall be answerable, at all times, for any violation of its corporate privileges and duties, and shall be prosecuted in the manner provided by law, whenever the Legislature shall so direct.

Books may be
inspected.

SEC. 37. *Be it further enacted*, That any committee appointed by the Legislature, for that purpose, may at any time inspect the books, and examine and report the proceedings of the corporation.

Cashier.

SEC. 38. *Be it further enacted*, That every cashier before entering on the duties of his office, shall give bond with security, in a sum of not less than twenty-five thousand dollars, conditioned for his good behavior, and faithful discharge of the duties of his office.

To keep a book

SEC. 39. *Be it further enacted*, That each cashier shall keep a book containing the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question of order asked for by any director. This book shall be evidence in courts of justice; and on entering on the discharge of his duties, each cashier shall take and subscribe the following oath, before some justice of the peace, by whom it shall be returned to the office of the county court of the county where the bank or branch of which he is cashier, may be situated: I, A B, do solemnly swear to keep a just and true record, without alterations or erasures,

of the transactions of the board of directors of the bank of North-Carolina, (or of the branch of the bank of North-Carolina, as the case may be) in a book to be kept by me for that purpose.

SEC. 40. *Be it further enacted*, That if any cashier or other officer, servant or agent of the corporation, shall embezzle or fraudulently convert to his own use, or shall fraudulently take, or secrete, with intent to convert to his own use, any effects or prosperity [property] belonging to or in possession of the corporation, or belonging to any person and deposited in the bank or any of its agencies; or shall make or cause to be made any false entry upon the books, which contain any of the proceedings or transactions of the corporation, with intent to defraud the corporation or any person whatsoever, such officer, agent or servant so offending, shall be held and deemed guilty of felony, and upon conviction thereof, in the superior court, shall be punished by fine and imprisonment, not exceeding five years, and standing in the pillory, all or any of them, at the discretion of the court.

Punishment
for embezzling.

SEC. 41. *Be it further enacted*, That if any president or other officer or servant of the bank, shall knowingly or wilfully make, cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, its branches or agencies to the public treasurer, the General Assembly, the board of directors of the bank, or any of its branches or agencies, or to the stockholders, or to any person authorized by the Legislature, or by the stockholders to receive the same, the person so offending, his aiders or abettors shall be deemed guilty of misdemeanor, and on conviction in the superior court, shall be punished by fine and imprisonment not longer than one year.

Punishment
for false return

SEC. 42. *Be it further enacted*, That all notes of the bank intended for circulation, shall be originally issued at the bank or branch, at which they are redeemable.

Notes, where
issued.

SEC. 43. *Be it further enacted*, That the bank shall lend to the State, upon ninety days notice, such sums of money as the State may require; *Provided*, the bank shall not be compelled to make loans to the State, when its indebtedness to the bank, at any one time, amounts to \$200,000.

To loan to the
State.

Usury.

SEC. 44. *Be it further enacted*, That in any suit to which said bank is a party, in interest in which the question of usury is involved, any cashier, agent or officer of said bank shall be a competent witness against said bank, notwithstanding such cashier, agent or officer may be the payee, drawer, acceptor or endorser of the bond, note or bill, or other security or evidence of debt, sought to be impeached or avoided, or which is alleged to be usurious.

Debtors may
pay in notes of
bank, &c.

SEC. 45. *Be it further enacted*, That whenever this bank has any demands upon any person or corporation, it shall be lawful for said person or corporation, to pay and discharge such demand in notes of said bank, without regard to the place where the same may be payable and demandable; and the tender of such notes in payment or discharge of any such demands, or any part thereof, shall be good and valid in law, and the person or corporation, upon whom such demand is made, shall in payment of the same, first use the notes of the bank or branch which makes the demand, in case they have the same on hand at the time of the demand made.

Branch at
Wentworth.

SEC. 46. *Be it further enacted*, That as soon after the organization of the company, under the charter, as is practicable, they shall establish a branch of their bank at the town of Wentworth in the county of Rockingham; *Provided*, the sum of fifty thousand dollars or more shall be subscribed towards the capital stock, by persons residing in said county.

Tax on shares,
&c.

SEC. 47. *Be it further enacted*, That each share owned by individuals, shall be subject to an annual tax of thirty cents, which shall be reserved out of the profits of individual stock as they accrue, by the cashier of the principal bank, and paid to the public treasurer on or before the first day of October, in each and every year, which tax may be increased at any time, not exceeding one dollar, for each and every share, as the Legislature may direct, and the exigency of the State requires in equalizing taxation; *Provided*, That the tax in this case shall not be greater than that imposed on shares, in such other banks as may be chartered, at any other succeeding General Assembly; and, *Provided, further*, That nothing herein contained, shall be so con-

strued as to restrain any future General Assembly, from taxing dividends belonging to individuals or corporations: said tax not to exceed that which may be imposed on interest received for money loaned; *Provided, further*, That any real or personal estate, which the bank may at any time take in payment of its debts, shall, whilst held by them, be subject to the same tax, as other property of the same kind held by individuals. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE BANK OF LEXINGTON.

Chap. 68.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a bank be established in the town of Lexington, the capital stock of which shall not exceed three hundred thousand dollars, divided into shares of fifty dollars each, and for the purpose of receiving subscriptions for said stock, books shall be opened on the 15th day of February, 1859, or within twenty days after the ratification hereof, and remain open for the space of sixty days at Lexington, under the superintendence of Andrew Hunt, George Riley, Henderson Adams, Samnel L. Hargrave, Alfred Hargrave, and W. D. Lindsay, or a majority of them. At Salisbury under the superintendence of B. B. Roberts, Joel Jenkins and William Murphy, or a majority of them. At Thomasville under the superintendence of J. W. Thomas, D. C. Johnson and Jesse Shelby, or a majority of them. At Greensborough under the superintendence of Ralph Gorrell, C. P. Mendenhall and R. P. Dick, or a majority of them. At Salem under the superintendence of Thos. J. Wilson, Nathan Chaffin and John Vogler, or a majority of them. At Asheborough, Jonathan Worth, B. F. Hoover, H. B. Elliott, or a majority of them. At Mocksville, Braxton Bailey, J. M. Clements, and Ephraim Gayther, or a majority of them. At Clemons ville, A. C. Whorton, H. Eccles and A. W. Cooper, or a majority of them. At High Point under the superintendence of William Sheek, John Carter and William Boman, or a majority of them. At the

Capital stock.

Books to be opened.

same time at such other places, and under the superintendence of such other persons as may be designated by the commissioners appointed to receive subscriptions at Lexington.

Subscriptions,
how paid.

SEC. 2. *Be it further enacted*, That one-fifth of such shares shall be paid in gold or silver to the commissioners above named, or those appointed by them at the time of subscribing; that another fifth shall be paid within sixty days thereafter; that another fifth shall be paid within one hundred and twenty days thereafter; that another fifth shall be paid within three months after the time appointed for paying the third instalment, and the remaining fifth shall be paid within three months after the time appointed for paying the third instalment, and the remaining fifth shall be paid within three months after the time of paying the fourth instalment, and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the bank, and the remainder, if any, of such sale to be paid over to the subscriber; *Provided*, That after the bank shall have been organized, as hereinafter provided, the remaining unpaid instalments shall be paid to the directors, or their agents, and it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required before the time limited for the same, and every subscriber so paying in advance shall have a discount at the rate of six per cent. per annum on each advance, computing the same from the time when payment is made to the time when it is required to be made.

Proviso.

Corporate powers.

SEC. 3. *Be it further enacted*, That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars is actually paid to the commissioners aforesaid, the subscribers to the said bank, their successors and assignees shall be, and are hereby created a body politic in law and in fact by the name and style of the "bank of Lexington," and shall so continue until the first day of January, 1885; and by the name and style aforesaid they shall be able and

capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended unto, in courts of record, or in any place whatsoever, and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure, and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for the making whereof, general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all acts, matters and things, which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

SEC. 4. *Be it further enacted*, That if it shall happen when the books shall be opened as aforesaid that a greater sum than three hundred thousand dollars shall be subscribed by individuals, or by bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions according to a scale to be by them established for that purpose to the aforesaid amount of three hundred thousand dollars; *Provided*, That no subscription of two shares or under shall be sealed until all larger subscriptions shall first be reduced to an equality with them, and if one thousand shares should not be subscribed within the sixty days aforesaid, the commissioners may keep open the books for subscription twelve months longer, unless the sum be sooner subscribed; and the directors elected, as hereinafter prescribed, shall be allowed to keep open the subscription books until the whole of the stock shall be taken, and open and close the same previous thereto, at their discretion; the commissioners appointed to receive a subscription at Salisbury, in Rowan county; at Thomasville, Davidson county; Greensborough, in Guilford county; Salem, in Forsyth county; Asheboro', in the county of Randolph; Mocksville, in the county of Davie; Clemmons ville, in the county of Davidson; High Point, in the county of Guilford, aforesaid, and those who

Subscriptions
may be sealed.

Proviso.

shall be appointed as herein prescribed at other places, shall pay over to the commissioners herein appointed to receive subscriptions at Lexington, in the county of Davidson, all moneys paid to them on stock subscribed immediately after receiving the same.

Directors.

SEC. 5. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given in the Greensborough Patriot, published in the town of Greensborough, or in some other public manner, and a meeting of the subscribers to be held ten days at least after the date of the notice shall be called; if at this meeting those or their agents who have a majority of votes, according to the rates hereinafter described, be present, if not another meeting shall be called, they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank into operation; the said directors shall remain in office until the time which shall be prescribed in the by-laws of the said corporation for the annual meeting of the stockholders, until their successors shall be appointed; and at the time which shall be prescribed as aforesaid in each year or at any time thereafter, meetings of the stockholders shall be held in the town of Lexington for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

Rules, &c.

SEC. 6. *Be it further enacted*, That the following rules, regulations and provisions, shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present; and every act shall require the sanction of the majority of the votes which may be present; every stockholder holding one share, and not more than two, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; for every ten

shares above one hundred and not exceeding two hundred, one vote; for every twenty shares above two hundred, one vote; after the first meeting, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting; stockholders may vote at general meetings and elections by proxy, the proxy himself being a stockholder; none but a stockholder who is a citizen of the State, shall be eligible as a director; and the stockholders shall appoint annually seven directors to manage the bank, and when appointed they shall choose one of their number to be president of the bank, and shall manage the institution as shall seem best, unless otherwise directed by the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancies until the succeeding annual meeting of the stockholders; a number of stockholders, not less than ten who, together, shall be owners of five hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting; the directors shall annually elect such officers, as may be deemed necessary to perform the business of the bank, and may remove them, or either of them at pleasure; those officers shall be required to give bonds, with two or more securities, in sums in not less than fifteen thousand dollars, with a condition of good behavior and faithful performance of duty; they shall be allowed by the directors such compensation for their services as shall be deemed reasonable, but compensation to the president and directors, shall be granted at the pleasure of the stockholders; the stock of said corporation shall be assignable and transferable, according to the rules which shall be instituted in that behalf, by the laws and ordinances of the same.

President.

Other officers.

SEC. 7. *Be it further enacted*, That the said corporation

Corporate powers.

shall neither directly nor indirectly, trade in any thing except bills of exchange, promissory notes and bonds, expressing on the face of them to be negotiable and payable at said bank, gold or silver bullion, or in the sale of goods realty and truly pledged for money lent, and not redeemed in due time, or in goods which shall be the produce of its lands, or in mint certificates and the public debts of the United States and of this State; *Provided*, The investment in such stock shall not exceed one-half of the capital stock of this bank. The said corporation shall purchase and hold only such lands, tenements and rents and hereditaments, as shall be required for the convenient transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts.

Rate of interest

SEC. 8. *Be it further enacted*, That the said corporation shall not take more than six per cent. per annum, for, or upon its loans or discounts, which interest may be received in advance at the time of discount; and the said bank shall at no time have in circulation more than twice the amount of its capital actually paid in.

Bills, notes, &c

SEC. 9. *Be it further enacted*, That the bills obligations [obligatory] and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsements thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name or names, and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same in the like manner, and with the like force and effect as upon any private person or persons, that is to say, those which shall be

payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only.

SEC. 10. *Be it further enacted*, That no note shall be issued by said bank, under the denomination of five dollars, and if over five dollars none, unless it be of the denomination of ten or its multiple; and that if any person or persons holding any note or notes of said bank, shall present the same for payment and payment shall be refused, the said note [or] notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding, and the holder of said note or notes of said bank not paid on demand, may bring an action of assumpsit against one or all of the directors, who may have consented to issue more than twice the capital stock paid, in case the bank be unable to pay the amount; *Provided always*, That if any note or notes of the said bank shall be presented for payment, by or for any bank or branch or agency of any bank, either directly or indirectly, it shall be lawful to pay the same, or any part thereof, with the note or notes of the bank, by or for which the demand shall have been made, whether made at the instance of the principal bank, its branch or agency, without regard to the place.

No note to be issued under \$5.

Proviso.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annually dividends of the profits thereof; *Provided*, that no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, and if at any time more than the real profits are divided, the directors thereto assenting shall be responsible, in their private capacity, to creditors who have claims against the said institution.

Dividends.

SEC. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or ultimate inability to pay, the individual stockholders shall be liable to creditors in sums double the amount of stock by them respectively held in said corporation.

Insolvency.

SEC. 13. *Be it further enacted*, That the officer at the

Statements of
bank's con-
dition.

head of the treasury department of the State shall be furnished, once in three months, with the statement of the amount of the capital stock of said corporation, and the debts due the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to said statement, and shall publish the same in two newspapers, one of which shall be in the city of Raleigh; *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except the directors; and it shall be the duty of the president of the bank, in the first week in December in each and every year, to transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks and to what banks, deposits, and all other particulars necessary to explain the debit side of the account, also the specie on hand, notes on other banks and what banks, bills of exchange, debts or bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, not, however, using any person's name in either case, and the real estate, and shall publish similar statements in two papers of the largest circulation, one in the city of Raleigh and one in the town of Lexington, on the first day of January of each year, and every three months thereafter.

Counterfeits.

SEC. 14. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, and willingly aid or assist in falsely making, forging or counterfeiting any bill or note, in imitation of or purporting to be a bill or note issued by order of the president and directors of the bank of Lexington, or any order or check upon said bank or corporation, or the cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note, issued by order of the said corporation, or any order or check on said bank, or the cashier thereof, or shall pass, or receive with intent to pass, alter or publish as true, any false, forged or counter-

feited bill or note, purporting to be a bill or note issued by order of said corporation, or any false, forged or counterfeit check or order upon the said bank, or the cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, or receive with intent to pass off or publish as true, any falsely altered check or order on said bank, or the cashier thereof, or falsely alter [any] bill or note issued by order of said bank, knowing the same to be falsely altered, with intent to defraud said corporation, or any other body politic, or person or persons, every such person shall be deemed guilty of felony, and being thereof convicted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

SEC. 15. *Be it further enacted*, That the president or Tax on stock. cashier shall annually pay into the treasury of the State fifteen cents on each share of said capital stock which may have been subscribed and paid in, and the first payment of said tax shall be made twelve months after the bank shall have commenced operations, which tax may be increased at any time not exceeding fifty cents per share, as the General Assembly may direct, or the exigencies of the State may require in equalizing taxation; *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from taxing dividends due private stockholders or corporation in said bank.

SEC. 16. *Be it further enacted*, That if any president, False returns. cashier, clerk or other officer of the aforesaid bank, shall knowingly, willingly and with intent to deceive, make, or cause to be made, or connive at making any false return, statement, or exhibit of the condition of the bank, either to the treasurer of the State, to the legislature, or to the board of directors of the bank, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders to receive the same, such president, director, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor in the superior courts, and upon conviction shall be fined at the discretion of the court and imprisoned not exceeding one year.

Embezzlement.

SEC. 17. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation, or make false entries upon the books of said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine at the discretion of the court, and imprisoned not exceeding five years.

Violation of
charter.

SEC. 18. *Be it further enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful, by joint resolution, to direct the attorney general, with such assistant counsel as the governor or legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judges of the supreme court, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited, subject to the same proceedings, as are now prescribed by law in cases of other corporations.

Proceedings of
meetings.

SEC. 19. *Be it further enacted*, That the cashier shall keep a book, to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting; and shall record the yeas and nays on any question, when asked for by any director; this book shall be evidence in courts of justice; and on entering on the discharge of his duties the cashier shall take the following oath before some justice of the peace, by whom it shall be returned to the office of the clerk of the county court: "I, A. B., do solemnly swear to keep a just and true record, without alterations or erasures, of the transactions of the board of directors of the bank of Lexington, in a book kept by me for that purpose."

Books to be
opened.

SEC. 20. *Be it further enacted*, That books for subscription of said capital stock shall be opened, as provided for in the first section of the bill, at Graham, in Alamance county, under the superintendence of Edwin M. Holt, Thomas Ruffin, Jr., Jesse Gant, John Trolinger, or a majority of them, and provided one thousand shares of the stock of

said company shall be subscribed for at Graham, and paid in according to the provisions of said bill, it shall be the duty of said bank to establish a branch at Graham, with a capital of one hundred thousand dollars.

SEC. 21. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury four per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State. Suspension.

SEC. 22. *Be it further enacted*, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of its specie on hand. Circulation.

SEC. 23. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO ESTABLISH THE BANK OF SALISBURY.

Chap. 69.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a bank shall be established in the town of Salisbury, the capital stock of which shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each; and for the purpose of forming said corporation, and receiving subscriptions for said stock, books shall be opened on the first day of March in Salisbury and remain open for the space of twenty days under the superintendence of the following persons, or a majority of them, viz: Richard A. Caldwell, James E. Kerr, Michael Brown, Samuel Reeves, Sen., M. Whitehead, B. R. Moore, and A. M. Nesbitt; and books shall be opened in the town of Statesville, at the same time, and for the same length of time, for the same purpose, under the superintendence of the following persons, or a majority of them, viz: A. W. Jamieson, C. A. Carleton, Joseph W. Stockton, S. Q. Sharpe, and W. F. Cowan; and said books shall be Capital.

closed at 12 o'clock meridian, on the twentieth day after the opening of the same.

Subscriptions
may be scaled.

SEC. 2. *Be it further enacted*, That upon the closing of the books of subscription, the commissioners aforesaid, or a majority of them, shall meet in Salisbury and compare the same, and in case a larger amount of stock shall have been subscribed than the capital stock herein authorized, they shall proceed to scale the same in the following manner, to-wit: All subscriptions over and above the sum of ten thousand dollars shall be reduced *pro rata*, until they are reduced to that sum, before any reduction shall be made upon subscription of ten thousand dollars and less than that sum; and after said reduction, if there still remain upon said books a greater amount of stock than is herein authorized, a like *pro rata* reduction shall be made upon the subscriptions exceeding five thousand dollars until they are reduced to that sum; and if there still remains upon said books more than the capital stock herein authorized, all sums of five thousand dollars and under shall be reduced *pro rata* until the stock be reduced to the amount herein authorized; *Provided*, That no sum of two hundred dollars or under shall be scaled until the larger subscriptions are reduced to that amount.

May re-open
books.

SEC. 3. *Be it further enacted*, That if upon closing the books, it shall appear that the amount of one hundred thousand dollars to the capital stock herein authorized, has not been subscribed, said commissioners shall have power to re-open the same under the same rules and regulations and restrictions, as are herein specified for the opening of books in the first instance, until said amount is subscribed; and if the whole amount of said capital stock is not subscribed before said corporation is organized, the directors shall afterwards have power to keep said books open, under the same rules and restrictions, until the whole amount of capital stock herein authorized shall have been subscribed.

To be a body
corporate,
when.

SEC. 4. *Be it further enacted*, That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars is actually paid to the directors, the subscribers for the said bank, their successors and assigns shall be and they are hereby created and made a body politic in law and in

fact, by the name and style of "the bank of Salisbury," and shall so continue until the first day of January, one thousand eight hundred and eighty, and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of; to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended, in courts of record or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and for the making whereof, general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all acts, matters and things which a corporation and body politic in law, may or can lawfully execute, and be subject to the rules and regulations, restrictions and provisions, hereinafter prescribed and declared.

SEC. 5. *Be it further enacted*, That after said company shall have been organized, the directors thereof may proceed to call for payments upon said stock, at such times and places and in such manner as they may deem proper; and in case any of the subscribers shall fail to pay the instalments thus called for, at the time called for, said directors may proceed, upon ten days previous notice, published in a Salisbury newspaper, to sell the same to the highest bidder, or they may at their discretion, after a like notice to such delinquent subscriber, proceed to strike said subscription from the books of the company, and such delinquent shall no longer be considered a stockholder in said company.

Payments on
stock.

SEC. 6. *Be it further enacted*, That subscription to the stock of said company shall be made in person or by attorney, and when made by attorney the name of the principal shall be disclosed upon the subscription books; and any person proposing to subscribe may be examined on oath by said commissioners, whether they are subscribing for them-

Subscription.

selves or another, and if for another, for whom; and all such subscription shall be confirmed by the principal at the first meeting of the stockholders, by his representing said stock, either in person or by proxy, and in case of failure to do so, said subscription shall be stricken from the books, and shall no longer be considered a part of the capital stock.

Meeting of
stockholders.

SEC. 7. *Be it further enacted*, That as soon as said books shall be closed, if it shall appear that the sum of one hundred thousand dollars shall have been subscribed by responsible persons, notice thereof shall be given in the newspapers published in Salisbury, and a meeting of the subscribers shall be called, to be held at least ten days subsequent to the date of said notice. If at this meeting those, or their agents, who have a majority of votes, according to the rules hereinafter prescribed, be present, (if not another meeting shall be called,) they shall proceed to the election of nine directors, who shall take charge of the books in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation. The said directors shall remain in office until the first day of April, 1860, and until their successors are appointed. On the first Monday of March, in each and every year, or at any time thereafter, meetings of the stockholders shall be held in the town of Salisbury for the purpose of electing directors, enquiring into the affairs of the bank, and making such regulations as they may deem fit and necessary.

When to go in-
to operation.

SEC. 8. *Be it further enacted*, That the bank may go into operation whenever thirty thousand dollars shall have been paid in gold and silver, and that no dividends on the profits of the bank shall be declared by the president and directors until the whole amount of the capital stock subscribed shall be realized to the bank in gold and silver.

Vote in general
meeting.

SEC. 9. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes, or their agents, be present; and every act shall require the sanction of a majority of the votes which may be present; every

stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; for every four shares above one hundred, one vote. After the first meeting no share nor shares shall confer a right of voting unless the same shall have been holden three calendar months previous to the day of voting. Stockholders may vote at elections in general meetings by proxy, the proxy being a stockholder. None but a stockholder who is a citizen of the State shall be eligible as a director, and the directors when appointed shall choose one of their number (which shall always be nine) to be president of said bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may by writing appoint any other director to supply his place. A number of stockholders, not less than ten, who together shall be owners of one hundred shares or more, shall have power at any time to call a general meeting of stockholders for purposes relating to the bank, giving at least twenty days notice in a public newspaper published in said town, if any, and if none, in one which circulates there, and specifying the object of said meeting; compensation to the president and directors and other officers of the institution shall be granted only at the pleasure of the stockholders. The directors shall annually elect a cashier and such other officers as may be necessary to perform the business of the bank. These officers shall be required to give bond with two or more sufficient sureties in sums of not less than ten thousand dollars each, with a condition for a faithful discharge of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the day and date of each meeting, the names of those present, and shall record the yeas and nays on every question, when asked for by a director. This book shall be evidence in courts of justice against said bank. On entering upon the discharge of his duties, the cashier shall take an oath or

Officers.

affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court of Rowan county, as follows, viz: I, A B, do solemnly swear (or affirm) to keep a just and true record of the transactions of the board of directors of the bank of Salisbury in a book to be kept by me for that purpose. In all cases, in addition to the usual personal security, the stock of the directors shall be considered as a pledge for the repayment of money which they may borrow of said bank, whether as principal or security. The said corporation shall purchase and hold only such real and personal property as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon executions issued upon judgments which shall have been obtained upon such debts. The said corporation shall neither directly nor indirectly trade in anything but bills of exchange, promissory notes and bonds, expressing upon their face to be negotiable and payable at said bank, gold and silver bullion, or in the sale of goods really and truly pledged for money lent by said bank and not redeemed in due time, or of goods which shall be the produce of its lands, mint certificates, the public debt of the United States, stock of such banks as may hereafter be established by a law of the United States, and North-Carolina State bonds; *Provided*, The investment in such stock shall at no time exceed the one-fourth of the capital stock of said bank; and, *Provided further*, That the investment in bills of exchange shall at no time exceed one-half of the paid up capital stock of said company. Neither shall the said corporation take more than at the rate of six per cent. per annum for or upon its loans and discounts, which interest shall be taken in advance at the time of discount; and if said corporation shall receive a greater amount of interest than at the rate of six per cent. per annum, either upon loans secured by bonds, or bills payable at its own counter, or upon money loaned or advanced upon the security or purchase of any bill, or note payable elsewhere than at its own counter, with the intent to invade the laws against receiving usury, or a greater rate of inter-

What property
may be held.

What the bank
may deal in.

est than is allowed by law, said corporation shall, in addition Rate of interest to the penalties now imposed by law in such cases, be subject to a penalty of one thousand dollars, to be recovered in any court of competent jurisdiction, one half to the use of the person suing for the same, and the other half to the use of the State, and shall in addition thereto, upon conviction of said offence, forfeit its charter; and in all suits arising under the provisions of this act, in regard to usury, the cashier, or other agent of said corporation, may be a competent witness against said corporation, notwithstanding the bill, bond, or promissory note sought to be avoided or impeached, may be payable to, drawn, endorsed or accepted by him.

SEC. 10. *Be it further enacted*, That the total amount of Notes and deposits. notes and deposits, which said corporation shall at any time owe, shall not exceed three times the amount of specie in its vaults, and if this section be violated by said corporation, it shall work a forfeiture of its charter.

SEC. 11. *Be it further enacted*, That in case said corpora- Suspension. tion shall refuse to pay or redeem its notes it shall pay, by way of damages, to the holders thereof, twelve per cent. per annum, and in addition thereto shall, during the time of its suspension pay to the State, a tax of three per cent. upon the amount of its circulation, which tax shall be recovered upon oath, by the cashier, to the person taking the tax list, at the time he lists his taxable property; *Provided*, That whenever any note of said bank shall be presented for payment by any other bank or branch thereof, or by any agent of the same, the notes of the bank or branch presenting the same if payable at said bank or branch, shall be a legal tender in payment of the same; and if said notes are offered to be paid in the manner aforesaid, the said bank of Salisbury shall not be subject to any of the penalties, forfeitures or damages, hereby imposed, for refusing to pay or redeem its notes; and the cashier of the bank of Salisbury shall have power to administer an oath to any person presenting such notes for payment, as to whether he presents them as the agent of any other bank; *Provided*, Said oath shall not be required at the presentation of each note, but shall apply to all the notes which such person shall pre-

sent during the day. If this or any other enactment herein contained be violated, the directors and officers of said corporation, knowingly and willingly assenting to such violation, shall be guilty of a misdemeanor, and upon conviction in the superior court shall be fined or imprisoned, or both at the discretion of the court.

Stockholders
liable.

SEC. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or the ultimate inability on the part of the bank to pay, the individual stockholders shall be liable to creditors for the debts of said corporation, in sums double the amount of stock by them respectively held in said corporation.

Vacancies.

SEC. 13. *Be it further enacted*, That if a vacancy in the directory shall occur, by death or otherwise, the remaining directors shall fill such vacancy until the succeeding meeting of the stockholders.

Stock transfer-
able.

SEC. 14. *Be it further enacted*. That the stock of said corporation shall be transferable and assignable, according to the rules which shall be instituted in that behalf, by the laws and ordinances of the same.

Reports of the
condition of
the bank.

SEC. 15. *Be it further enacted*, That the officer at the head of the treasury department of the State, shall be furnished, once in six months, with a statement of the amount of capital stock of said corporation, and of the debts due the same, of the moneys deposited therein, of the amount of their notes in circulation, of cash in hand, and the amount invested in exchange, and shall have a right to inspect such general accounts in the books of the bank as shall relate to said statement; *Provided*, That this shall not be construed into the right of inspecting the accounts of any private person, with the bank, except the directors.

Tax.

SEC. 16. *Be it further enacted*, That the president or cashier of said bank, shall annually pay into the treasury of the State twenty-five cents on each share of said capital stock, which may have been subscribed for and paid in; and the first payment of said tax shall be made within twelve months after the said bank shall have commenced operations, and power is reserved to the State to levy an additional tax thereafter, which may be deemed proper by the

General Assembly, not exceeding such tax as may be levied on other banks in this State.

SEC. 17. *Be it further enacted*, That the directors of the said bank, shall declare semi-annual dividends of the nett profits; and if at any time more than the real profits of the bank be divided, the directors assenting thereto, shall be responsible in their private capacities to creditors who have claims against said institution. Dividends.

SEC. 18. *Be it further enacted*, That the president of the said bank, shall in the first week in December, in each and every year, transmit to the General Assembly, or in vacation to the Governor, a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other banks, other funds specially enumerated, debts due from other banks, and what banks, bills of exchange, debts or bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, (not however using any person's name in either case) and amount of real estate. It shall be the duty of the president to publish on the first day of January, and every three months thereafter, the above statement of the condition of the bank, in one paper of the largest circulation in the town of Salisbury, and in one paper of the largest circulation in the city of Raleigh. President to report condition of the bank.

SEC. 19. *Be it further enacted*, That if any president, director, cashier, clerk or any other officer or agent of said corporation shall knowingly, wilfully, and with intent to deceive, make or cause to be made, or connive at making any false return, statement, or exhibit of the condition of the bank, either to the treasurer of the State, to the legislature, to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders to receive the same; such president, cashier, director, clerk or other officer or agent, and all persons aiding and abetting in such false returns or deception, shall be guilty of a misdemeanor, and on conviction. False returns, &c.

tion in the superior court, shall be fined at the discretion of the court, and imprisoned not exceeding one year.

Issues, &c.

SEC. 20. *Be it further enacted*, That no note shall be issued by said bank, under the denomination of five dollars, and every note, bill or other species of paper intended for circulation of greater denomination than five dollars shall be a multiple of five, and no certificate of deposit, or other acknowledgment of indebtedness, except notes or bills, shall be made, drawn or issued by any cashier, teller or officer of the bank for a less sum than twenty dollars.

Penalty for
embezzling.

SEC. 21. *Be it further enacted*, That if any director or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with intent to defraud said corporation, or make false entries upon the books of said bank, with like intent as to said corporation, or any other person, such officer, agent or servant shall be held and deemed guilty of a felony, and upon conviction thereof shall be fined at the discretion of the court, and imprisoned not exceeding five years.

Penalty for
forging and
counterfeiting.

SEC. 22. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid and assist in falsely making, forging or counterfeiting any bill, or note in imitation of or purporting to be a bill or note issued by order of the president and directors of the bank of Salisbury, or any order or check upon said bank or corporation, or any cashier thereof, or shall falsely alter, or cause or procure to be falsely altered, or shall aid or assist in falsely altering any bill, or note issued by order of said corporation, or any check on said bank, or any cashier thereof, or shall pass, or receive with intent to pass, alter or publish as true, any false, forged or counterfeit bill, or note purporting to be a bill or note issued by order of the said corporation, or any false, forged or counterfeited order or check upon the said bank, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, or receive with intent to pass, or attempt to pass or publish as true any falsely altered bill or note issued by order of said bank, or any falsely altered order or check on said bank, or any cashier thereof, knowing the same to be falsely

altered with intent to defraud said corporation, or any other body politic, person or persons, every such person so offending shall be deemed and held guilty of felony, and being thereof convicted shall be sentenced to be whipped at the public whipping post, once or oftener at the discretion of the court, not exceeding thirty-nine lashes each time, upon his bare back.

SEC. 23. *Be it further enacted*, That bills obligatory and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his her or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and any bill or note which may be issued by order of said corporation, signed by the president and countersigned by the cashier, or any check or draft signed by the cashier, ordering or promising the payment of money to any person or persons, his, her or their order or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same in like manner and with the like force and effect as upon any private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only.

SEC. 24. *Be it further enacted*, That whenever the legislature may be of the opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful, by joint resolution, to direct the attorney general, with such assistant council as the governor or legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judges of the supreme court of the State, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited, subject to

Notes assignable.

Violation of charter.

the same proceedings as are now prescribed by law as in cases of other incorporations.

Branch at
Statesville.

SEC. 25. *Be it further enacted*, That the president and directors of said bank are hereby authorized, empowered and required, within three months after the organization of the same, to establish in the town of Statesville a branch of said bank, with a capital stock of not less than one hundred thousand dollars; and that said branch shall have a president and cashier, who shall be appointed by the president and directors of said bank of Salisbury, in such manner as may be prescribed by the by-laws of said corporation; *Provided*, The sum of one hundred thousand dollars shall be subscribed to the stock of said bank on the books at Statesville.

Branch at Mt.
Airy.

SEC. 26. *Be it further enacted*, That when the sum of seventy-five thousand dollars shall have been subscribed in the town of Mount Airy, and actually paid in as stock in gold and silver, there shall be a branch established at said town, in the county of Surry, under the same rules and regulations as are set forth for the government of the principal bank at Salisbury.

Loan agencies
out of the
State.

SEC. 27. *Be it further enacted*, That should this bank establish any loan agency without the limits of this State, it shall pay to the public treasurer, six per centum upon the business transacted by such loan agency or agencies, to be ascertained by oath made by the president of said bank.

SEC. 28. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

Chap. 70

AN ACT TO ESTABLISH THE MINER'S AND PLANTER'S BANK AT MURPHY, IN THE COUNTY OF CHEROKEE.

Capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a bank shall be established in the town of Murphy, the capital stock of which shall not exceed four hundred thousand dollars, divided into shares of fifty dollars each, and that for the purpose of receiving

subscriptions for said stock, books shall be opened on the first Monday in March, 1859, and remain open for sixty days at Murphy, under the superintendence of P. Henry, Wm. Colvard, Wm. Manchester, S. G. R. Mount, R. B. Chambers, Joshua Horshaw, J. J. Baker, Wm. Walker, Andrew Barnett, Ezekial Brown, Wm. M. Sanderson, Burton K. Dickey, Allen D. Kilpatrick, A. S. Davidson, D. F. Ramsour and H. S. Coleman.

SEC. 2. *Be it further enacted*, That one-tenth of such shares shall be paid in gold and silver to the commissioners above named, at the time of subscribing; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days; and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct, and if any subscriber shall fail to pay any instalment at the time stipulated he shall pay the interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, to be paid over to the said subscriber.

SEC. 3. *Be it further enacted*, That when two thousand shares are subscribed, and the sum of fifty thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic in law and in fact, by the name and style of "the Miners and Planters bank," and shall so continue until the first day of January, one thousand eight hundred and ninety, and by the name and style aforesaid they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and re-

gulations as shall seem necessary and convenient for the government of said corporation, and for making whereof general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

When notice
to be given.

SEC. 4. *Be it further enacted*, That as soon as two thousand shares shall be taken in the stock of said bank, and fifty thousand dollars paid to the commissioners who keep the books, notice shall be given in the newspapers published in the town of Asheville, a meeting of the subscribers shall be called, to be held at least thirty days after the date of the notice; if, at this meeting, they or their agents, who have a majority of the votes, according to the rates hereafter described, be present (if not another meeting shall be called) they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the first Monday in March, 1860, or until their successors shall be appointed, and on the first Monday in March in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Murphy for the purpose of electing directors, inquiring into the affairs of the institution, and making such other regulations as may be deemed fit and necessary.

Rules and re-
gulations.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the number of votes be present, and every act shall require the sanction of the majority of the votes which may be present; every stockholder holding one share and not more than two shares shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote, and for every four shares above one hundred, one vote. After the first meeting no

Vote of stock-
holders.Cashier to keep
a book.

share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder. No president, cashier, director, agent or clerk of the bank shall be permitted to vote as proxy for another. None but a stockholder who is a citizen of the State shall be eligible as a director. The directors, when appointed, shall choose one of their number, (which shall always be seven,) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, [appoint] any other director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of two thousand shares and upwards, shall have power at any time to call a general meeting of the stockholders, for the purposes relating to the institution, giving at least twenty days notice in a newspaper published in the town of Murphy, and specifying the object or objects of such meetings. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure. These officers shall be required to give bond, with two or more sureties, in sums not less than ten thousand dollars, with condition of good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in courts of justice. On entering on the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court of Cherokee, viz.: "I, A. B., do solemnly swear, (or affirm, as the case may

be,) to keep a just [and] true record, without alteration or erasure, of the transactions of the board of directors of the Miners and Planters' Bank, in a book to be kept for that purpose." The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealings, or purchased at sales, upon judgments which shall have been obtained upon such debts. The said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, promisory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates and the public debts of the State; *Provided*, That the investments in such stock shall not exceed one-half of the capital stock of said bank, neither shall said corporation take more than the rate of six per centum per annum for or upon its loans or discounts, which interest may be taken in advance at the time of discount. The total amount of debts which said corporation shall at one time owe, shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur by death, resignation, or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the by-laws and ordinances of the same. The officer at the head of the treasury department of the State shall be furnished once in six months with a statement of the amount of the capital stock of said corporation, and debts due the same, and the money deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the statement; *Provided*, That this shall not be construed to a right of inspecting the account of any private individual with the bank, except the debtors [directors.] The bills, obligatory and of credit, under seal of said corporation, which shall be made to any person

Proviso.

or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his or her assignee or assignees, and so as absolutely to transfer and vest the property therein, and each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their name or names: and bills or notes which may be issued by order of such corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation shall be binding and obligatory on the same in like manner and with the like force and effect as upon any private person or persons: that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable by delivery only.

SEC. 6. *Be it further enacted*, That any person or persons holding a note or notes of said bank, shall present the same for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per centum per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors, who may have consented to issue more than twice the [amount of] stock paid in; *Provided*, The bank be unable to pay the amount.

When payment is refused.

SEC. 7. *Be it further enacted*, That in case of insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay, the individual stockholders shall be liable to creditors in the sum double the amount of stock by them respectively held in said corporation.

In case of insolvency.

SEC. 8. *Be it further enacted*, That the directors shall be required to keep open the subscription books, until the whole of the stock shall be taken.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with intent

Embezzlement.

to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of a felony, and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisonment not exceeding five years.

Annual tax.

SEC. 10. *Be it further enacted*, That the president or cashier of said bank, shall annually pay into the treasury of the State, fifteen cents on each share of said capital stock, which have been subscribed for and paid in, and the first payment of said tax shall be made twelve months after said stock shall have been subscribed and paid. And the General Assembly reserves to itself the power, whenever it shall be deemed necessary to increase said tax, to a sum not exceeding fifty cents on each share of said capital stock; *Provided*, That the tax in this case shall not be greater than that imposed on shares, in such other banks as may be chartered at this or some other succeeding session of the General Assembly; and, *Provided further*, That this or any other General Assembly, shall have the power to tax the dividends belonging to individuals and incorporations; said tax shall not exceed the tax on the interest of money loaned.

Dividends.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of profits thereof, and if, at any time, more than the real profits are divided, the directors assenting thereto, shall be responsible in their private capacities, to creditors who have claim against said institution.

Statements of
the condition
of the bank.

SEC. 12. *Be it further enacted*, That the president of this bank shall, on the first day of March and first day of September in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks, and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other banks, and what banks, bills of exchange, debts or bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors (not however, using any person's name in either case) and

real estate. And the said corporation shall publish, at its own expense, a copy of said statements quarterly, in two newspapers published in the city of Raleigh.

SEC. 13. *Be it further enacted*, That if any president, cashier, clerk or other officer of the aforesaid bank, shall knowingly, willingly and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons, that may be authorized by the Legislature or by the stockholders, to receive the same; such president, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for misdemeanor in the superior courts, and upon conviction shall be fined at the discretion of the court, or imprisoned not exceeding one year.

False returns,
&c.

SEC. 14. *Be it further enacted*, That if it shall happen, when books shall be opened as aforesaid, that a greater sum than four hundred thousand dollars shall be subscribed by individuals or by bodies corporate, it shall and may be lawful for the commissioners to reduce such subscriptions according to a scale, by them to be established for that purpose, to the aforesaid amount of four hundred thousand dollars; *Provided*, That no subscription of two shares or under, shall be scaled until all larger subscriptions shall be reduced to an equality [with] them.

If too much
subscribed.

SEC. 15. *Be it further enacted*, That the said bank shall from time to time, when called on, after two months notice in writing, make loans of money to the State of North-Carolina, whenever the same shall be applied for by authority given by the General Assembly: *Provided*, That the amount loaned shall at no time exceed the sum of five per cent. on the capital stock subscribed.

To make loans
to State.

SEC. 16. *Be it further enacted*, That no bill, promissory note, check or certificate of deposit, shall be issued or re-issued by the corporation for a less amount than five dollars, nor shall said bank pay out the bills or notes of other banks of a less denomination than five dollars, unless it be in settlement with such bank.

No bill less
than \$5.

No officer to
receive gifts,
&c.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall at any time receive any gift, gratuity or reward from any person or persons, obtaining a discount or other accommodations at said bank, on account of or by reason of said accommodations; and no officer or director of said bank shall at any time purchase any note, bill or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same or to the use of the same; and all persons so offending shall be deemed guilty of misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the court trying the same; *Provided*, That the said offence shall be cognizable in the superior courts only.

No director to
receive com-
pensation for
negotiating
business.

SEC. 18. *Be it further enacted*, That no director, or other officer of said bank, shall, directly or indirectly, receive any compensation for any agency in negotiating any business with the bank or its agencies in procuring discounts, renewing notes or receiving moneys for individuals, or notes discounted; and any such director, or other officer, thus receiving compensation, shall be removed from office, and be disqualified from hereafter holding any office in said bank or any of its agencies.

When bank
shall suspend.

SEC. 19. *Be it further enacted*, That whenever said bank shall suspend specie payment for ninety days, unless under the advice and consent of the governor and council, it shall pay to the public treasurer four per cent. on the amount in circulation at the time of said suspension, to be ascertained upon the oath of the cashier and collected by the treasurer of the State.

When the
question of
usury is in-
volved.

SEC. 20. *Be it further enacted*, That in any suit to which said bank is a party in interest, in which the question of usury is involved, the cashier, agent or other officer of said bank shall be a competent witness against said bank, notwithstanding said cashier, agent or other officer, may be the payee, drawer, endorser or acceptor of the bond, note or bill sought to be avoided or impeached for usury, or which is alleged to be usurious.

Circulation.

SEC. 21. *Be it further enacted*, That said bank shall, at no time, have in circulation more than three times the amount

of specie in the vaults, nor more than twice the amount of the capital stock actually paid in.

SEC. 22. *Be it further enacted*, That this act shall be in force, from and after its ratification. [*Ratified the 17th day of February, 1859.*]

AN ACT TO ESTABLISH THE BANK OF COMMERCE.

Chap. 71.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a bank shall be established in the town of Newbern, the capital stock of which shall not exceed six hundred thousand dollars, divided into shares of fifty dollars each, and that for the purpose of receiving subscriptions for said stock, books shall be opened on the first Monday in March, 1859, and remain open for the space of sixty days at Newbern, under the superintendence of George S. Stephenson, Alonzo T. Jerkins, Charles Kelly, Emmet Onthbert, William C. Whitford, Jno. M. F. Harrison, Nath. H. Street, Jas. W. Carmer, Alex. Miller, Edward R. Stanley, Peter G. Evans, Jno. Jackson, C. B. Wood, R. A. Russell, W. H. Pearce, A. Wade, John R. Donnell, Charles Slover, and Samuel Hill; and at Goldsboro' under the superintendence of Rich. Washington, W. B. Edmondson, E. B. Borden, W. K. Lane and Geo. V. Strong; and at such other places under the superintendence of such persons as said commissioners at Newbern may direct.

SEC. 2. *Be it further enacted*, That one-tenth of such shares shall be paid in gold and silver to the commissioners above named, at the time of subscribing; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days, and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct, and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay the interest thereon, at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be

held responsible for the same at the option of the bank, and the balance, if any, to be paid over to the subscriber.

When a body
politic.

SEC. 3. *Be it further enacted*, That when two thousand shares are subscribed, and the sum of fifty thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns shall be and are hereby created a body politic, in law and in fact, by the name and style of "The Bank of Commerce at Newbern," and shall so continue until the first day of January, one thousand eight hundred and ninety, and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess and enjoy, and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, alien and dispose of, to sue and to be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for making whereof general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

Notice to be
given.

SEC. 4. *Be it further enacted*, That as soon as two thousand shares shall be taken in the stock of said bank, and fifty thousand dollars paid to the commissioners who keep the books, notice shall be given in the newspapers published in the town of Newbern, a meeting of the subscribers shall be called, to be held at least thirty days after the date of the notice; if at this meeting, they or their agents, who have a majority of votes according to the rates hereafter described, be present, (if not another meeting shall be called) they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to

put the bank in operation; said directors shall remain in office until the first Monday in March, 1860, or until their successors shall be appointed, and on the first Monday in March in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Newbern, for the purpose of electing directors, inquiring into the affairs of the institution, and making such other regulations as may be deemed fit and necessary.

Rules and regulations.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions, shall form and be the fundamental articles of the constitution of the corporation. A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of the votes which may be present; every stockholder holding one share, and not more than two shares, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder. No president, cashier, director, agent or clerk of the bank, shall be permitted to vote as proxy for another. None but a stockholder, who is a citizen of the State, shall be eligible as a director. The directors, when appointed, shall choose one of their number (which shall always be seven) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of two thousand shares and upwards,

shall have power at any time to call a general meeting of the stockholders, for the purposes relating to the institution, giving at least twenty days' notice in a public newspaper, published in the town of Newbern, and specifying the object or objects of such meeting. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them, or either of them, at pleasure; these officers shall be required to give bond, with two or more securities, in sums not less than ten thousand dollars, with condition for good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the ayes and nays on any question when asked for by a director. This book shall be evidence in courts of justice. On entering on discharge of his duties, the cashier shall take the following [oath] or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court of Craven, viz: I, A B, do solemnly swear or affirm (as the case may be) to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Bank of Commerce, in a book to be kept by me for that purpose. The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealing, or purchase at sales upon judgments which shall have been obtained upon such debts; the said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates, and the public debts of the State: *Provided*, The investments in such stock, shall not exceed one-half the capital stock of the bank; neither shall said corporation take more than the rate of six per centum per annum, for or upon its loans or discounts, which interest may be taken in advance

at the time of discount. The total amount of debts which said corporation shall at one time owe, shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur, by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable, according to the rules which shall be instituted in that behalf, by the by-laws and ordinances of the same. The officer at the head of the treasury department of the State shall be furnished, once in three months, with a statement of the amount of the capital stock of said corporation, and debts due the same, and the money deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to statement: *Provided*, That this shall not be construed to a right of inspecting the account of any private individual with the bank, except the directors. The bills obligatory and of credit, under seal of said corporation, which shall be made to any person or persons, shall be assignable [by endorsement thereon, under the hand or hands of such person or persons, and of his or her assignee or assignees, and so as absolutely to transfer and vest the property therein, and each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by order of such corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in like manner and with the like force and effect, as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner, and the like effect as foreign bills of exchange now are; and those which are payable to bearer shall be negotiable by delivery only.

SEC. 6. *Be it further enacted*, That any person or persons holding a note or notes of said bank, shall present the same

When payment is refused.

for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the stock paid in: *Provided*, The bank be unable to pay the amount.

In case of insolvency.

SEC. 7. *Be it further enacted*, That in case of the insolvency of the bank hereby created, or ultimate inability on the part of the corporation to pay, the individual stockholders shall be liable to creditors in the sum double the amount of stock by them respectively held in said corporation.

SEC. 8. *Be it further enacted*, That the directors shall be required to keep open the subscription books until the whole of the stock shall be taken.

Embezzlement.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant, shall be held and deemed guilty of a felony, and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisonment not exceeding five years.

Annual tax.

SEC. 10. *Be it further enacted*, That the president or cashier of said bank shall annually pay into the treasury of the State fifteen cents on each share of said capital stock which have been subscribed for and paid in, and the first payment of said tax shall be made twelve months after said stock shall have been subscribed and paid; and the General Assembly reserves to itself the power, whenever it shall be deemed necessary, to increase said tax to a sum not exceeding fifty cents on each share of said capital stock: *Provided*, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding session of the General Assembly: *And provided further*, That this or any other General Assembly shall have power to tax the dividends

belonging to individuals and incorporations; said tax shall not exceed the tax on the interest of money loaned.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of profits thereof, and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible, in their private capacities, to the creditors who have claims against said institution. Dividend.

SEC. 12. *Be it further enacted*, That the president of this bank shall, on the first days of November, February, May and August, in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also specie on hand, notes of other banks and what banks, bills of exchange, debts or bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, (not, however, using any person's name in either case,) and real estate, and publish the same in two newspapers, one of which shall be in Raleigh. Statement of the condition of the bank.

SEC. 13. *Be it further enacted*, That if any president, cashier, clerk or other officer of the aforesaid bank, shall knowingly, wilfully and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders, to receive the same, such president, cashier, clerk or other officer, and all persons aiding or abetting in such deception, or false return, shall be liable to be indicted for misdemeanor in the superior courts, and upon conviction shall be fined at the discretion of the court, or imprisoned not exceeding one year. False returns.

SEC. 14. *Be it further enacted*, That if it shall happen when books shall be opened, as aforesaid, that a greater sum than six hundred thousand dollars shall be subscribed by individuals or by bodies corporate, it shall and may be lawful When too much subscribed.

for the commissioners to reduce such subscriptions according to a scale by them to be established for that purpose to the aforesaid sum of six hundred thousand dollars: *Provided*, That no subscription of two shares or under shall be scaled until all larger subscriptions shall be reduced to an equality with them.

Loans to State. SEC. 15. *Be it further enacted*, That the said bank shall from time to time, when called on, after two months notice in writing, make loans of money to the State of North-Carolina, whenever the same shall be applied for by authority given by the General Assembly: *Provided*, That the amount loaned shall at no time exceed the sum of eight per cent. on the capital stock subscribed.

No bill less than \$5.

SEC. 16. *Be it further enacted*, That no bill, promisory note, check or certificate of deposit shall be issued or re-issued by the corporation for a less amount than five dollars, and all bills, notes, checks or certificates of deposit intended for circulation over five dollars shall be ten, or the multiple of ten.

No officer to receive gifts, &c.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall at any time receive any gift, gratuity or reward from any person or persons, obtaining a discount or other accommodations at said bank, on account of or by reason of said accommodation; and no officer or director of said bank shall at any time purchase any note, bill or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same, or to the use of the same; and all persons so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the court trying the same: *Provided*, That the said offence shall be cognizable in the superior courts only.

No director to receive pay for negotiating business

SEC. 18. *Be it further enacted*, That no director or other officer of said bank shall directly or indirectly receive any compensation for any agency in negotiating any business with the bank or its agencies, in procuring discounts, renewing notes, or receiving moneys for individuals or notes discounted; and any such director or other officer thus receiving compensation shall be removed from office, and be

disqualified from thereafter holding any office in said bank, or any of its agencies.

SEC. 19. *Be it further enacted*, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of its specie on hand.

SEC. 20. *Be it further enacted*, That a branch of said bank shall be established in the town of Goldsboro', in the county of Wayne: *Provided*, That not less than fifty thousand dollars shall be subscribed on the books at Goldsboro'.

Branch at Goldsboro'.

SEC. 21. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury four per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State.

When bank shall suspend.

SEC. 22. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE FAYETTEVILLE NORTH-CAROLINA SAVINGS BANK. *Chap. 72.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Archibald McLean, Henry Lilly, John W. Pearce, Peter M. Hale, John D. Williams, William M. Laurin, Henry L. Myrover, Jesse G. Shepherd, George McNeill, Nathan A. Steadman, Alfred A. A. McKethan, Isaac B. Hauley, Bartholomew Fuller, Charles E. Leete, John C. Haigh, William G. Matthews, William N. Tillinghast, David A. Ray, Charles B. Mallett, George W. Williams, and their successors are hereby constituted and created a body politic and corporate by the name of the "Fayetteville North-Carolina Savings Bank," to be located in the town of Fayetteville, and in and by said name they may sue and be sued, plead and be impleaded, and shall have perpetual succession and a common seal.

Body politic.

SEC. 2. *Be it further enacted*, That said corporation shall

Power to receive deposits.

have power to receive from any person or persons, or corporate bodies, any deposits of money; and all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner deemed most safe and advisable.

Certificates of deposits.

SEC. 3. *Be it further enacted*, That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate at such time and with such interest and on such terms as may be agreed upon between the depositor and directors, and under such regulations as the directors shall from time to time prescribe, which regulations shall not be altered so as to effect any one who was a depositor previous to such alteration, and all certificates or evidences of deposit issued by the proper officers, shall be as effectual to bind the said corporation as if under the seal thereof, and the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation: *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note or other device in the nature of and intended to circulate as a bank note or as money.

Refusal to pay.

SEC. 4. *Be it further enacted*, That if upon the demand of payment of any certificate of deposit issued as prescribed in section [third] 6, the proper notice having been given, and terms of deposit having been complied with by the depositor, the same shall be refused or neglected, the said corporation shall pay to the owner of such certificate two per cent. damages, upon the amount of which certificate damages and injuries shall be [recovered] recorded before any jurisdiction having cognizance of the same.

May receive deposits from minors.

SEC. 5. *Be it further enacted*, That said corporation shall have power to receive deposits of money or other evidences of debt from minors and married women in their own names, and to their own separate use, and the said corporation may pay to such depositors from time to time all such sums as may be due them, according to the provisions of charter, and the receipts of such minors and married women shall be valid acquitances in law and in equity without the intervention or assent of either parent, guardian or husband.

SEC. 6. *Be it further enacted*, That the capital stock of Capital stock. said corporation shall not exceed six hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each.

SEC. 7. *Be it further enacted*, That in all discounts or Rate of interest. loans made by said corporation it shall not take more than the rate of interest allowed by the general laws of the State upon the subject of interest on money lent, which interest shall be taken in advance at the time the money is lent.

SEC. 8. *Be it further enacted*, That a committee of five Committee to examine. shall be appointed once in six months to examine the affairs of said corporation, and report fully the general condition of the same, which report shall be spread upon the minutes of the directory, and shall at all times be open to the examination of any member of the corporation.

SEC. 9. *Be it further enacted*, That certificates of stock When certificates to issue. in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein in shares of fifty dollars each for the number of shares owned or contributed or taken by them, and new members may be admitted upon such terms as may be prescribed by the by-laws.

SEC. 10. *Be it further enacted*, That the directors of said Dividends. corporation shall declare a dividend of the profits of the same, after paying all expenses, either annually or semi-annually as they shall think best.

SEC. 11. *Be it further enacted*, That the said corporation shall continue until the year (1880) eighteen hundred and eighty. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE MADISON SAVINGS BANK, IN THE *Chap. 73.*
TOWN OF MADISON, NORTH-CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic. *State of North-Carolina, and it is hereby enacted by the authority of the same*, That Wm. B. Carter, Jas. Cardwell, Allen Smith, Pleasant Welister, Thomas Black, Claiborn Watkins, Thomas Coyle, Benjamin Watkins, Robert Dalton,

John Lindsey, Joseph H. Cardwell, Pleasant Black, Marshall Black, and such other persons as may associate with them, and their successors, be and are hereby created a corporation and body politic, by the name and style of "The Madison Savings Bank," in the town of Madison, North-Carolina, and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the courts of this State, and have perpetual succession, and a common seal, which they may alter at pleasure.

Directors.

SEC. 2. *Be it further enacted*, That the seven persons first named in section 1 of this charter, shall be and continue directors of said corporation until the second Monday in July, 1859, at which time a general meeting of the stockholders shall be held in the town of Madison, and a majority of the stock of said corporation being represented by the members owning the same, either in person or by proxy, seven directors shall be chosen to manage the affairs of the corporation for twelve months, and until their successors shall be chosen, and the directors shall thereafter be annually elected, at such time and place, and under such rules and regulations as in the by-laws may be directed and prescribed, and the directors shall elect one of their number president for one year, and if a vacancy shall in any way occur in the directory they shall fill the same by choosing some member to be a director until the next annual meeting of the stockholders, and a majority of the directors shall constitute a quorum for the transaction of business.

To appoint
treasurer, &c.

SEC. 3. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary to conduct and expedite the affairs of the corporation, to fix their compensation, and remove them at pleasure, to provide for taking bonds payable to said corporation, with security to be approved by them, in such sums as they may deem necessary, from any or all of the officers, agents or servants by them appointed, conditioned in such form as they shall prescribe for the faithful execution of their several duties and to secure the corporation from loss, to regulate the

terms of making and receiving deposits, the form of certificates to be issued to depositors, the manner of transferring stock in said corporation, to provide for the investment of the funds of said corporation in such manner as they may deem most safe and beneficial, to provide for the admission of new members, and furnishing proof of such admission, to provide for paying the necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the same by-laws to alter or repeal: *Provided*, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders of said corporation assembled at any annual meeting, or general meeting called in pursuance of any by-laws made for that purpose; and the stockholders may at any general or annual meeting pass by-laws which shall be binding on the directors: *And provided further*, That the by-laws shall not be contrary to the laws of this State or of the United States.

SEC. 4. *Be it further enacted*, That said corporation shall have power to receive from any person or persons, or corporate bodies, any deposits of money, and all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner deemed most safe and beneficial: *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note, certificate of deposit, or any other device in the nature of and intended to pass as a bank note.

To receive deposits.

SEC. 5. *Be it further enacted*, That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate, at such time, and with such interest, and on such terms as may be agreed upon between the depositor and the directors, and under such regulations as the directors shall from time to time prescribe, which regulations shall not be altered so as to affect any one who was a depositor previous to such alteration, and all certificates or evidences of deposit, issued by the proper officers, shall be as effectual to bind the said corporation as if under the seal thereof, and

Certificates of deposit.

the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

Refusal to pay. SEC. 6. *Be it further enacted*, That if upon the demand of payment of any certificate of deposit, issued as prescribed in section 5, the proper notice having been given, and terms of deposit having been complied with, by the depositor, the same shall be refused or neglected, the said corporation shall pay to the owner of such certificate two per cent. damages upon the amount thereof, over and above the interest on the same; the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

May receive deposits from minors, &c. SEC. 7. *Be it further enacted*, That said corporation shall have power to receive deposits of money or other evidences of debt from minors and married women, in their own names and to their own separate use; and the said corporation may pay to such depositors, from time to time, all such sums as may [be] due them, according to the provisions of this charter; and the receipts of such minors and married women shall be valid acquittances in law and equity, without the intervention or assent of either parent, guardian or husband.

Capital stock. SEC. 8. *Be it further enacted*, That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each; and each member shall contribute once a month for the space of three years, not less than four or more than twenty dollars.

Rate of interest. SEC. 9. *Be it further enacted*, That in all discounts or loans made by said corporation, it shall not take more than the rate of interest allowed by the general laws of the State upon the subject of interest on money lent, which interest shall be taken in advance at the time the money is lent.

Committee to examine. SEC. 10. *Be it further enacted*, That a committee of five shall be appointed once in six months, to examine the affairs of said corporation and report fully the general condition of the same; which report shall be spread upon the minutes of the directory, and shall at all times be open to the examination of any member of the corporation.

SEC. 11. *Be it further enacted*, That certificates of stock in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein, in shares of fifty dollars each, for the number of shares owned or contributed or taken by them; and new members may be admitted upon such terms as may be prescribed by the by-laws. Certificates of stock.

SEC. 12. *Be it further enacted*, That the directors of the said corporation shall declare a dividend of the profits of the same, after paying all expenses, either annually or semi-annually as they shall think best. Dividends.

SEC. 13. *Be it further enacted*, That the said corporation shall continue until the year nineteen hundred. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE OAK CITY SAVINGS BANK.

Chap. 74.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Richard H. Battle, Hampden S. Smith, Kemp P. Battle, John G. Williams and Quentin Busbee, and all other persons hereafter becoming members of the corporation hereby created, shall be, and they are hereby created and made a corporation and body politic, by the name and style of the "Oak City Savings Bank," to be located in the city of Raleigh, and by that name, shall have succession, and be capable, by law, to hold and dispose of real and personal property, by deed or otherwise, and sue and be sued, plead and be impleaded, answer and defend, and be answered and defended in courts of law and equity, or other places whatsoever, and to receive and make all deeds, transfers, contracts, agreements and conveyances whatsoever, and to make and use, and have a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act: *Provided*, The said corporation shall purchase and hold only such lands, tenements, rents and hereinafter as shall be requisite for the trans- Body politic.

action of its business, or shall have been *bona fide* mortgaged or conveyed to it by way of security, or in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments and executions, which shall have been obtained for such debts.

To elect four
directors.

SEC. 2. *Be it further enacted*, That at the first meeting of the members of the "Oak City Savings Bank," called in conformance with the provisions of the 26th chapter of the Revised Code of North-Carolina, they shall proceed to elect four directors to manage the affairs of the said corporation, who shall fulfil the duties assigned them as long as the by-laws of the said corporation provides, and until their successors are elected and qualified.

To elect of-
ficers.

SEC. 3. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to elect a president from among the members of said corporation, to appoint all such officers, agents and servants as they shall deem necessary to conduct and expedite the business of said corporation, to fix their compensation, and in their discretion to dismiss them; to provide for the taking of such bonds from their officers, agents or servants, for the faithful execution of their several duties, as shall be prescribed by the by-laws, to regulate the manner of making and receiving deposits, the form of certificates to be issued to depositors, and the manner of transferring stock in said corporation, to provide for the proper and most beneficial investment of the funds of the corporation, to provide for the admission of members, and for paying all necessary expenses incurred in conducting the affairs of said corporation, and generally to pass such by-laws and regulations as shall or may be deemed necessary to the exercise of the aforesaid powers, and the powers vested in the said corporation by this charter, and by said 26th chapter of the Revised Code, and the said by-laws and regulations to alter and repeal: *Provided*, That all such by-laws and regulations which may be made by the directors, may be altered or repealed by a majority of the members of said corporation, assembled in pursuance of said by-laws or by this charter: and, *Provided further*, That such by-laws and regulations shall not be contrary to the laws of this State, or of the United States.

SEC. 4. *Be it further enacted*, That the said corporation shall be capable of receiving from any person or persons or bodies corporate any deposit or deposits of money, under such rules and regulations, and upon such terms as may be prescribed by its laws, and that all moneys so received may be invested or loaned, as the directors deem most safe and beneficial: *Provided always*, That nothing herein contained shall be construed to authorize this corporation to issue any bill, note or other device with the intent that the same shall circulate or pass as the representative of, or as the substitute for money. May receive deposits.

SEC. 5. *Be it further enacted*, That such deposits shall be paid to each depositor when required, at such times, and with such interest, and under such regulations as the directors shall from time to time prescribe, which regulations shall not be altered so as to affect any one who may have been a depositor previously to such alterations, and all certificates of deposits made by the proper officer shall be as effectual to bind said corporation as if they were under the common seal thereof. Deposits to be paid when required.

SEC. 6. *Be it further enacted*, That whenever deposit shall be made by any person, being a minor, the said corporation may pay to such depositor such sum or sums of money as may be due to him or her not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor, and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor. Minors.

SEC. 7. *Be it further enacted*, That it shall be the duty of the directors to appoint once in every six months a committee of three members, whose duty it shall be to investigate the affairs of said corporation, and to publish a report thereof in one or more newspapers printed in the city of Raleigh, and it shall further be the duty of the directors on the first day of January, and the first day of July in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders or their legal representatives according to the shares they may severally own of the capital stock therein. Committee to examine.

Transfers.

SEC. 8. *Be it further enacted*, That no stockholder who is a debtor to this corporation shall be permitted to transfer his stock until such debts shall be paid or otherwise secured to the satisfaction of the directors.

Rate of interest.

SEC. 9. *Be it further enacted*, That all discounts or loans made by said corporation shall be at the rate of six per cent. per annum, which interest shall be taken in advance at the time of discount.

Capital stock.

SEC. 10. *Be it further enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall continue in force thirty years. [*Ratified the — day of —, 1859.*]

Chap. 75.

AN ACT TO INCORPORATE THE WARRENTON SAVINGS BANK, IN THE TOWN OF WARRENTON, NORTH-CAROLINA.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John White, Jacob Parker, Thomas A. Montgomery, Julius Wilcox, James A. Egerton, Hugh J. Davis, F. M. Hyman, Thomas M. Crossan, John M. Wilson, W. J. Sherwood, John M. Price, John C. McCraw, T. Reynolds, Wm. Watson, Jr., Kemp Plummer, G. H. Macon, John W. White, Thomas J. Woodson, H. G. Goodloe, Thomas W. Rowlette, Thomas B. Fleming, Geo. R. Sledge, John R. Johnson, B. D. Williams, John Collins, Benj. E. Cook, Jr., Thomas P. Walker, J. B. E. Lampkins, Marx Schloss, W. T. Howard, Joseph B. Batchelor, W. A. J. Nicholson, W. E. Massenburg, W. B. Williams, Richard D. Fleming, William P. Solomon, P. T. Norwood, and such other persons as may associate with them, and their successors, be and are hereby created a corporation and body politic, by the name and style of "The Warrenton Savings Bank," in the town of Warrenton, North-Carolina, and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the courts of this State,

and have perpetual succession, and a common seal, which they may alter at pleasure.

SEC. 2. *Be it further enacted*, That the seven persons first Directors. named in section 1st of this charter shall be and continue directors of the said corporation until the second Monday in July, 1859, at which time a general meeting of the stockholders shall be held in the town of Warrenton, and a majority of the stock of said corporation being represented by the members owning the same, either in person or by proxy, seven directors shall be chosen to manage the affairs of the corporation for twelve months, and until their successors shall be chosen, and the directors shall thereafter be annually elected at such time and place, and under such rules and regulations as in the by-laws may be directed and prescribed; and the directors shall elect one of their number president for one year; and if a vacancy shall in any way occur in the directory, they shall fill the same by choosing some member to be director until the next annual meeting of the stockholders; and a majority of the directors shall constitute a quorum for the transaction of business.

SEC. 3. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary to conduct and expedite the affairs of the corporation, to fix their compensation, and remove them at pleasure, to provide for taking bonds payable to said corporation, with security to be approved by them, in such sums as they may deem necessary, from any or all of the officers, agents or servants by them appointed, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss, to regulate the terms of making and securing deposits, the form of certificates to be issued to depositors, the manner of transferring stock in said corporation, to provide for the investment of the funds of said corporation in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all the necessary expenses incurred in conducting the affairs of the corporation, and generally to pass

To appoint officers.

all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the same by-laws to alter and repeal: *Provided*, That all such by-laws as may be made by the directors, may be altered or repealed by a majority of the stockholders of said corporation, assembled at any annual meeting, or general meeting, called in pursuance of any by-laws made for that purpose; and the stockholders may, at any general or annual meeting, pass by-laws which shall be binding on the directors: *And provided further*, That the by-laws shall not be contrary to the laws of this State or of [the] United States.

May receive
deposits.

SEC. 4. *Be it further enacted*, That the said corporation shall have power to receive from any person or persons, or corporate bodies, any deposits of money, and all moneys so received shall be invested in public stocks, or other securities, at the discretion of the directors, in the manner deemed most safe and beneficial: *Provided*, That nothing herein contained shall authorize said corporation to issue any bill, or note, or any other device in the nature of and intended to pass as bank note.

Certificates of
deposit.

SEC. 5. *Be it further enacted*, That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate, at such time, and with such interest, and on such terms as may be agreed upon between the depositor and the directors, and under such regulations as the directors shall from time to time prescribe, which regulations shall not be altered so as to affect any one who was a depositor previous to such alteration, and all certificates or evidences of deposit, issued by the proper officers, shall be as effectual to bind the said corporation as if under the seal thereof; and the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

Refusal to pay.

SEC. 6. *Be it further enacted*, That if upon the demand of payment of any certificate of deposit, issued as prescribed in section 5, the proper notice having been given, and terms of deposit having been complied with by the depositor, the same shall be refused or neglected, the said corporation shall pay to the owner of such certificate two per

cent. damages upon the amount thereof, over and above the interest on the same, the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

SEC. 7. *Be it further enacted*, That said corporation shall Minors. have power to receive deposits of money, or other evidences of debt from minors and married women, in their own names and to their own separate use; and the said corporation may pay to such depositors, from time to time, all such sums as may be due them, according to the provisions of this charter, and the receipts of such minors and married women shall be valid acquittances in law and equity, without the intervention or assent of either parent, guardian or husband.

SEC. 8. *Be it further enacted*, That the capital stock of Capital stock. said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and each member shall contribute once a month for the space of three years, not less than four or more than twenty dollars.

SEC. 9. *Be it further enacted*, That in all discounts or Rate of interest. loans made by said corporation, it shall not take more than the rate of interest allowed by the general laws of the State upon the subject of interest on money lent, which interest shall be taken in advance at the time the money is lent.

SEC. 10. *Be it further enacted*, That a committee of five Committee to examine. shall be appointed, once in six months, to examine the affairs of said corporation and report fully the general condition of the same, which report shall be spread upon the minutes of the directory, and shall at all times be open to the examination of any member of the corporation.

SEC. 11. *Be it further enacted*, That certificates of stock Certificates of stock. in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein in shares of fifty dollars each, for the number of shares owned, or contributed, or taken by them; and new members may be admitted upon such terms as may be prescribed by the by-laws.

Dividend.

SEC. 12. *Be it further enacted*, That the directors of said corporation shall declare a dividend of the profits of the same, after paying all expenses, either annually or semi-annually, as they shall think best.

SEC. 13. *Be it further enacted*, That the said corporation shall continue until the year eighteen hundred and ninety. [Ratified the — day of —, 1859.]

Chap. 76. AN ACT TO AMEND THE CHARTER OF THE FARMER'S BANK OF NORTH-CAROLINA.

May remove principal bank.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the stockholders of the Farmer's Bank of North-Carolina are hereby authorized and empowered, at a general meeting held pursuant to the provisions of the act for their incorporation, to remove the principal bank from its location at the town of Elizabeth City, in the county of Pasquotank, to the town of Greensborough, in the county of Guilford, and after such removal, the same shall be established and located at Greensboro' aforesaid.

Branch at Elizabeth City.

SEC. 2. *Be it further enacted*, That the branch of said bank at Greensboro' shall, upon such removal of the principal bank to said town, be discontinued, and a branch of the said bank be established at the town of Elizabeth City aforesaid.

Penalty for counterfeiting, &c.

SEC. 3. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure the same to be done, or willingly aid or assist thereto, any bill or note in imitation of or purporting to be a bill or note issued by the Farmer's Bank of North-Carolina, or any order or check on said bank or its branch, or the cashier of either, or shall falsely alter or cause or procure to be falsely altered, or willingly aid and assist in falsely altering any such bill, note, order or check, or shall pass or receive with intent to pass, alter or publish as true any false, forged or counterfeit bill or note of said bank, or any false, forged or counterfeit order or check on said bank or its branch, or the cashier of either, knowing the same to be falsely forged or

counterfeited, and shall receive and pass, or shall receive with intent to pass as true any such falsely altered note, bill, order or check, knowing the same to be falsely altered, with intent to defraud said bank or any other person or corporation, every such person so offending shall be deemed guilty of felony, and being thereof convicted by due course of law in any superior court of law shall be adjudged to stand in the pillory one hour, and receive thirty-nine lashes on his bare back, and to be imprisoned not less than six months nor longer than three years, and fined at the discretion of the court, and all or any of such punishment may be inflicted at the discretion of the court.

SEC. 4. *Be it further enacted*, That the oath required in the fifth section of the charter of said bank to be taken by the cashier before some justice of the peace, and deposited in the office of the clerk of the county court of Pasquotank, shall be taken before some justice of the peace in and for the county of Guilford, subscribed before him and deposited in the office of the clerk of the county court of Guilford county. Oath.

SEC. 5. *Be it further enacted*, That the tenth section of the act of incorporation of the said bank passed at the session of the General Assembly held in the year one thousand eight hundred and fifty-two, and all other clauses of said act inconsistent with the provisions of this act, be and the same are hereby repealed. Repealing clause.

SEC. 6. *Be it further enacted*, That the removal of the principal bank as herein authorized to be made shall in no respect impair any of the rights, remedies or obligations of said bank, or any proceedings to enforce the same, but they shall subsist and continue in full force. Removal not to impair rights, &c.

SEC. 7. *Be it further enacted*, That all suits brought by said bank for causes of action heretofore accrued shall have their venue and be commenced in the same county in which the law would have required had the location of the mother bank not been changed from Elizabeth City. Suits.

SEC. 8. *Be it further enacted*, That the said bank shall issue for circulation no note or bill of a larger denomination than five dollars unless it be ten or its multiple.

SEC. 9. *Be it further enacted*, That this act shall take effect and be in force as soon as assented to by a majority in value of the stockholders of said bank assembled in such meeting as aforesaid. [*Ratified the 16th day of February, 1859.*]

Chap. 77. AN ACT TO AMEND THE CHARTER OF THE BANK OF CAPE FEAR.

Repeals certain sections.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That sections 17, 18 and 22, of the act passed at the session of the General Assembly of this State of 1854-'55, entitled "An act to recharter the Bank of Cape Fear," and ratified the 16th day of February, 1855, be and the same are hereby repealed.

No bill less than \$3 to be issued.

SEC. 2. *Be it further enacted*, That said bank shall have authority to issue bills, bonds and notes for any sum not less than three dollars, and for such less sum, which may be authorized by any present or future general law of this State: *Provided however*, That nothing herein contained, shall prevent any subsequent General Assembly of this State, from prohibiting said bank from issuing any bill, bond or note for any sum less than five dollars; *And provided further*, That the bank shall issue no note of a larger denomination than five dollars, unless it be ten or its multiple.

SEC. 3. *Be it further enacted*, That whenever the said bank hath any demands upon any person or corporation, it shall be lawful for said person or corporation, to pay and discharge such demand in the notes of said bank, without regard to the place where the same may be payable and demandable, and the tender of such notes in payment, or discharge of any such demands, or any part thereof, shall be good and available in law, and the person or corporation upon whom such demand is made, shall in payment of the same, first use the notes of the bank or branch which makes the demand, in case they have the same on hand at the time of the demand made.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

BRIDGES.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TOLL BRIDGE *Chap. 78.*
ACROSS THE YADKIN RIVER, NEAR JONESVILLE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That E. B. Hampton, and such other person or persons as may see proper to associate themselves with him, and their successors and assigns be, and they are hereby authorized and empowered to erect and keep up a toll bridge across the Yadkin river, at or near the ford upon said river, near the town of Jonesville, Yadkin county. May erect a toll-bridge.

SEC. 2. *Be it further enacted,* That if it should become necessary to pass over any lands from the bridge, on either side, to the public road, and from any cause, the right of way cannot be purchased from the owner, the county court of said county, on application of said company, shall appoint three disinterested freeholders, who shall go upon the lands, the owner or owners thereof having due notice of the time of such meeting, and determine the value thereof, and estimate the damage to be sustained by such owner or owners, and return the same under their hands and seals, to the next term of said court, to be filed among the records thereof, and on payment or tender of the amount of said award to such land owners, the right of way shall vest in said company as long as the same shall be used as a public highway: *Provided,* That if either party be dissatisfied with the award of said freeholders, an issue may be made up and tried before a jury in said court. Right of way.

SEC. 3. *Be it further enacted,* That the amount of tolls to be charged and received by the owner or owners of said bridge, shall be determined by the county court of Yadkin county, whose duty it shall be to establish the rate of tolls, and cause the same to be entered on record in said court. County court to regulate tolls.

SEC. 4. *Be it further enacted,* That if any person or persons, after the completion of said bridge, shall pass over the same and refuse to pay the tolls, as fixed by law, that every such person or persons shall forfeit and pay the sum of five Refusal to pay toll.

dollars, to be recovered by the owner or owners of said bridge, by warrant before a justice of the peace.

Failure to keep
in good repair.

SEC. 5. *Be it further enacted*, That in case of the failure on the part of the owner or owners of said bridge, to keep the same in good repair, so that the public may cross in safety, the said owner or owners shall be subject to an indictment in the county or superior courts of Yadkin county, and fined at the discretion of the court.

Shares of capital stock.

SEC. 6. *Be it further enacted*, That the said company may, when formed, divide the capital stock of said company into shares of not more than one hundred dollars, nor less than twenty-five dollars per share; and that when said company is formed, may elect a president and board of directors, and other officers necessary to carry on the business of said company.

Four years to
organize.

SEC. 7. *Be it further enacted*, That said company be allowed the term of four years to organize, and that this grant shall continue for the space of fifty years, and that this act shall be in force from and after its ratification. [*Ratified the 7th day of February, 1859.*]

COLLEGES.

Chap. 79. AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS AT OR NEAR DAVIDSON COLLEGE, AND FOR OTHER PURPOSES.

No tippling
house, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That no person shall erect, keep, maintain or have at Davidson College, or within three miles thereof, any tippling house, establishment or place for the sale of wines, cordials, spirituous or malt liquors.

No liquors to
be sold to stu-
dents.

SEC. 2. *Be it further enacted*, That no person, without permission in writing from the president of said college, or some member of its faculty, shall sell or offer to sell or deliver to any student of said college, or to any other person or persons whatsoever, any wine, cordial, spirituous or malt liquors, for the purpose of being used at Davidson College, (or within three miles thereof,) by any student.

SEC. 3. *Be it further enacted*, That any license that may hereafter be granted to retail spirituous liquors at Davidson College, or within three miles thereof, shall be utterly void.

SEC. 4. *Be it further enacted*, That no person at or within three miles of Davidson College, shall give or furnish any electioneering treat or entertainment. No treating.

SEC. 5. *Be it further enacted*, That no person or persons shall set up, keep or maintain at Davidson College, or within five miles thereof, any public billiard table, or other public table of any kind, at which games of chance or skill (by whatever name called) may be played. No billiard table.

SEC. 6. *Be it further enacted*, That no person or persons, without permission in writing obtained therefor from the president of Davidson College, or some member of its faculty seven days beforehand, shall exhibit at Davidson College, or within five miles thereof, any theatrical, sleight of hand, or equestrian performances, or any dramatic recitations, or representations, or any rope or wire dancing, natural or artificial curiosities or concert, serenade or performance in music, dancing or singing. No theatrical exhibitions, &c

SEC. 7. *Be it further enacted*, That if any white person, or free person of color, shall offend against any of the before recited provisions of this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction or submission either before the courts of pleas and quarter sessions, or the superior courts of law for the county in which such offence shall have been committed, shall, if a white person, be fined or imprisoned, or both, at the discretion of the court; and if a free person of color, shall be fined at the discretion of the court not exceeding twenty dollars, and whipped at the public whipping post on the bare back not exceeding thirty-nine lashes; and if any slave shall offend as before mentioned, and be convicted before any justice of the peace of the county in which the offence shall have been committed, he or she shall be ordered by such justice of the peace to receive thirty-nine lashes on his or her bare back, to be inflicted by such person as may be appointed to act as the officer in the case, and that the master or owner of such slave shall pay all costs expended or incurred in the case; *Provided always*, That the master or owner of Penalty.

such slave shall have the right to appeal from the decision of the justice of the peace to the county or superior court of the county in which the offence has been committed.

What con-
tracts void.

SEC. 8. *Be it further enacted*, That every contract or agreement of any student of Davidson College, being then a minor, with any shop-keeper, merchant, trader, or other person, upon the sale of any wine, cordial, spirituous or malt liquors, or of any goods, wares or merchandise, or any article of trade whatsoever, or with the keeper of any livery stable, shall be void; unless the same, if made at or within three miles of Davidson College, be made under the written permission of the president of said college, or some member of its faculty; or if made at any greater distance from Davidson College, under the written consent of the person who may have the control and authority over such student.

SEC. 9. *Be it further enacted*, That every contract made with a student of Davidson College, contrary to the provisions of the preceding section, shall be void, and may be avoided on account of any of the matters therein contained, on the plea of the general issue, on the trial whereof, if it appear that the defendant was at the time of the alleged contract a student of Davidson College, it shall be presumed that he was, at the making thereof, a minor.

SEC. 10. *Be it further enacted*, That every such contract shall be incapable of being confirmed; and any promise or obligation given by such student, after his arrival at full age, shall be void.

SEC. 11. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 80. AN ACT TO INCORPORATE THE “TRANSMONTANE COLLEGE” IN THE COUNTY OF MADISON.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That J. M. Laura, John Reeves, Rev. Ralph Potty, J. W. Reeves, Jacob Glance, George D.

Roberson, Melly Reeves, Alexander Roberson, John W. Wells, T. W. Askew, L. A. Duckett, W. F. Parker, John Roberson, Josiah Askew, and Coley Cowel, shall be and they are hereby declared to be a body politic and corporate to be known and distinguished by the name and style of the "Transmontane College;" and by that name shall have succession, and continue for the term of fifty years, and a common seal; and that the said trustees and their successors, by the name aforesaid, or a majority of them shall be able and capable in law to receive and possess all moneys, goods and chattels, and choses in action, that shall be given them for the use of the college; and by gift, purchase and devise, to take and hold to them and their successors, any lands, rents, tenements and hereditaments of what kind, nature or quality soever, in special trust and confidence, and the same, and the profits thereof, shall be applied to and for the use and benefit of said college; and that said trustees shall have such other powers, and enjoy such other rights as are usually incident to corporate bodies.

SEC. 2. *Be it further enacted*, That the said trustees or their successors, or a majority of them by the name aforesaid, shall be able and capable in law to bargain and sell, and convey to the purchaser any such lands, rents, tenements and hereditaments aforesaid; and further that they, the said trustees or a majority of them, and their successors, for the term aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in all courts whatever, either in law or equity, of record or otherwise.

May sue and
be sued, &c.

SEC. 3. *Be it further enacted*, That there shall not be less than fifteen nor more than thirty in number of the trustees at any time for said college; and that on the death, resignation or refusal to act of any of the trustees for the time being, or the removal of any one from office, by the concurrence of two-thirds present, for the neglect of duty, or other cause, the vacancy so happening shall be filled by the appointment of other trustees to be made by the said board, a majority being present, which trustees so appointed, shall be vested with the same power, trust and authority as the others.

Number of
trustees.

May appoint a president, &c.

SEC. 4. *Be it further enacted*, That the said trustees and their successors, or a majority of them present, shall have the power of appointing a president, and such professors and tutors as to them shall appear necessary and proper for said college, whom they may remove for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations for their own government and that of the college as to them may appear expedient: *Provided*, That the same are not inconsistent with the constitution or laws of the State: *Provided, further*, That if a majority of said trustees shall not convene for the purpose aforesaid, it shall and may be lawful for five of said trustees and their successors to form a quorum to do business, and may from time to time make necessary by-laws and regulations.

Real estate.

SEC. 5. *Be it further enacted*, That any real estate over and above three hundred acres, which may be needed for the erection of convenient buildings on the same, or which may be acquired by donation or purchase for the benefit and objects of this institution shall be subject to taxation as now or hereafter may be directed by law.

May confer degrees.

SEC. 6. *Be it further enacted*, That the faculty of said college, that is to say, the president, professors and teachers by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges and seminaries of learning.

Real estate not to exceed \$25,000 in value.

SEC. 7. *Be it further enacted*, That the whole amount of real and personal estate belonging to said college shall not at any one time exceed in value twenty-five thousand dollars.

No tippling house within three miles.

SEC. 8. *Be it further enacted*, That it shall not be lawful for any person to erect, keep or maintain at Transmontane College, or within three miles of Transmontane College, in the county of Madison, any tippling house or houses, or establishment whatsoever for the sale of wines or spirituous liquors, nor shall it be lawful for any person to sell any wines, spirituous or malt liquors within three miles of said Transmontane College.

SEC. 9. *Be it further enacted*, That any person violating any of the provisions of this act shall be considered guilty of a misdemeanor, and may be prosecuted in any court having cognizance thereof; and moreover subject to a penalty of ten dollars, to be recovered on a warrant before any justice of the peace, one-half to the person warranting for the same, and the other to the common school fund for said county. Penalty for violation of this law.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

AN ACT TO INCORPORATE THE TRUSTEES OF MARS HILL COLLEGE Chap. 81.
IN THE COUNTY OF MADISON.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That J. W. Anderson, E. Carter, Thos. Carter, Thomas S. Deaver and Lewis Parnew shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the Mars Hill College; and by that name shall have succession, and so continue for the term of fifty years. Said corporation may hold and convey real, personal and mixed property, to an amount not exceeding fifty thousand dollars. Body politic.

SEC. 2. *Be it further enacted*, That any real estate over and above three hundred acres, which may be needed for the erection of convenient buildings on the same, or which may be acquired by donation or purchase, in addition to those already erected for the benefit and objects of this institution, shall be subject to taxation as now or hereafter may be directed by law. Real estate.

SEC. 3. *Be it further enacted*, That the faculty of the said college, that is to say, the president and professors and teachers, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges and seminaries of learning. May confer degrees.

Spiritu-
ous
liquors.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any person or persons to retail spirituous liquors, or sell in any quantity less than five gallons to any student in said college, within five miles of said college; and such selling or retailing within the distance aforesaid by any person or persons, shall subject such person or persons to a penalty of ten dollars for each and every offence against the provisions of this section, which said penalty shall be recovered by any person suing for the same, in an action of debt before a magistrate of said county: one half to the person suing for the same, the other half to the use of the college.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 82. AN ACT TO INCORPORATE DAVENPORT FEMALE COLLEGE, IN CALDWELL COUNTY.

Preamble.

WHEREAS, By voluntary subscriptions, a site has been obtained, and buildings erected, in the town of Lenoir, in Caldwell county, for the purpose of erecting and maintaining a college for the education of females, under the patronage of the South-Carolina Conference of the Methodist Episcopal Church South, to which college has been given the name of "Davenport Female College:"

Body politic.

SECTION 1. *Therefore, be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Rev. A. M. Shipp, H. H. Durant, W. A. Gamewell, A. G. Stacy, P. F. Kistler, J. S. Erwin, Fletcher Smith, John Rutherford, James Harper, Jas. C. Harper, Ed. W. Jones, S. P. Dula, Azra Shell, and their successors in office, to be chosen as authorized by said Conference, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Trustees of the Davenport Female College," and as such they may have a corporate seal, may sue and be sued, and in all things may have the rights and privileges and be subject to the liabilities of a body corporate.

SEC. 2. *Be it further enacted*, That the said corporation shall have power, by any lawful mode of conveyance or transfer of title, to take and hold the site aforesaid, in trust; to maintain thereon a college for the education of females, and also, in addition thereto, other real and personal property and choses in action, not exceeding in value the sum of five hundred thousand dollars, as a fund for the benefit of said college. [*Ratified the 21st day of January, 1859.*]

To hold site
in trust.

AN ACT TO INCORPORATE THE TRUSTEES OF NORTH-CAROLINA COLLEGE. *Chap. 83.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Christopher Melchor, Mathias Barrier, Samuel Rothrock, Jacob Crin, Levi C. Groseclose, Daniel Drencher, Daniel Barrier, Paul A. Siffert, Joseph A. Linn, Godhart D. Bernheim, Caleb A. Heilig, John Shimpoek and Daniel H. Bittle, and their successors duly elected, be and they are hereby made, constituted and declared a body corporate in the name of the "Trustees of North-Carolina College," for the instruction of youths in the various branches of science, literature and art, with perpetual succession, with all the immunities and privileges and subject to all the restrictions prescribed in chapter 26 of the Revised Code, entitled "Corporations."

Body corporate

SEC. 2. *Be it further enacted*, That the president and professors of said college, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges or universities.

May confer
degrees.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person or persons to set up or continue any gaming or billiard table, or any device whatever, for playing at any game of chance or hazard, or to exhibit any sleight of hand, theatrical or equestrian performance, dramatic recitations, rope or wire dancing, or other itinerant natural or artificial curiosities or to receive or use any license to retail spirituous liquors, or otherwise sell, give or convey to

No gaming or
billiard tables,
&c.

the students of said college any intoxicating liquors, within three miles of said college, without the special permission in writing of the faculty of said college, and any person or persons who shall offend against the provisions of this act, or any of them, shall forfeit and pay the sum of two hundred dollars, to be recovered in any court of record having cognizance of the same, one-half to the use of the informer and the other half to the use of said college.

Number of
trustees.

SEC. 4. *Be it further enacted*, That the trustees of said college shall at no time exceed eighteen in number; and when vacancies occur in the board of trustees, they shall be filled by the Evangelical Lutheran Synod of North-Carolina, and such other synods of the Lutheran church as may hereafter become associated with it in patronizing said college, and in case such synod or synods fail to fill such vacancies, then the trustees shall have power to fill vacancies in their body.

SEC. 5. *Be it further enacted*, That said college shall be situated at Mount Pleasant, in the county of Cabarrus.

Not to exceed
\$400,000.

SEC. 6. *Be it further enacted*, That said corporation may take, hold, bargain and sell such real estate, moneys, stocks and other personal chattels as may be necessary for the transaction of its business, and the carrying out the purposes of its creation, not exceeding in value four hundred thousand dollars.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 21st day of January, 1859.*]

Chap. 84. AN ACT TO AMEND AN ACT TO INCORPORATE "THE CATAWBA COLLEGE."

Spirituons
liquors pro-
hibited.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act, entitled "an act to incorporate Catawba College," passed at the General Assembly of 1852-'53, be so amended as to prohibit the sale or barter of spirituous liquors within two miles of Catawba College, in the county of Catawba, and any person so offend-

ing shall be subject to the same penalties, and collected in the same manner as hereinafter provided.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall, for every such offence, forfeit and pay twenty dollars, to be recovered by warrant before a justice of the peace in the name of the trustees of Catawba College, one-half to the use of the informer and the other half to the use of the institute. Penalty.

SEC. 3. *Be it further enacted*, That an election shall be ordered at any time before the first Monday in May next, ten days notice thereof previously given, to be held by the sheriff of said county, under the same rules and regulations that other elections are held, and all persons within the corporate limits of the town of Newton, who are qualified to vote for members of the legislature, shall be entitled to vote in said election, and if a majority of the qualified voters within the said corporate limits vote "yea," then this act shall be in full force and effect, and if a majority of them, "no," then this act shall be null and void. People to vote on this act. [*Ratified the — day of February, 1859.*]

AN ACT TO AMEND THE CHARTER OF NORMAL COLLEGE.

Chap. 85.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the corporation established by an act passed in 1852, and known by the style and title of the "Trustees of Normal College," be and the same is hereby changed to Trinity College; and said corporation shall henceforth, by the name and style of Trinity College, hold and use all the authority, privileges, possessions and liabilities it had under the former title and name. Changes name to Trinity college.

SEC. 2. *Be it further enacted*, That the estate, real and personal, received and controlled by the trustees of Trinity college, shall be for the uses and purposes of a literary institution for the North-Carolina Conference of the Methodist Episcopal Church South.

SEC. 3. *Be it further enacted*, That all vacancies in the board of trustees shall be filled by said North-Carolina Vacancies, how filled.

Conference: *Provided, however,* That no person shall be elected a trustee till he has first been recommended by a majority of the trustees present at a regular meeting; and the trustees shall have power to remove any member of their body, who may remove beyond the boundary of the State, or who may refuse or neglect to discharge the duties of a trustee.

May confer degrees.

SEC. 4. *Be it further enacted,* That the faculty and trustees shall have the power of conferring such degrees and marks of honor as are conferred by colleges and universities generally; and that five trustees shall be a quorum to transact business.

No tippling house, &c.

SEC. 5. *Be it further enacted,* That no person shall keep, maintain or have at Trinity College, or within two miles thereof, any tippling-house establishment, or place for the sale of wine, cordials, spirituous or malt liquors; nor shall any person in the State, without a written permission from the faculty, sell, offer to sell, give or deliver to any student of Trinity College, or to any other person, any wine, cordials, spirituous or malt liquors for the purpose of being used, or with a knowledge that the same will be used at said college, or within two miles thereof, by any student.

No billiard table, &c.

SEC. 6. *Be it further enacted,* That no person shall set up, keep or maintain at Trinity College, [or] within two miles thereof, any public billiard table, or other table of any kind at which games of chance or skill, by whatever name called, may be played; and that no person, without written permission from the faculty, shall within the same limits exhibit any theatrical, sleight of hand, natural or artificial curiosities, or any concert, serenade, or performance in music, singing or dancing.

SEC. 7. *Be it further enacted,* That sections second, fourth and fifth of the charter passed in 1852, are hereby repealed, and that all acts and laws coming within the meaning and purview of this present act are hereby repealed. [*Ratified the — day of —, 1859.*]

AN ACT TO INCORPORATE BASCOM COLLEGE IN THE TOWN OF *Chap. 86.*
LEICESTER, BUNCOMBE COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That John J. Roberts, F. Sluder,
Geo. W. Hampton, R. L. Gudger and John F. Palmer, be
and they are hereby constituted a body politic and corpo-
rate, by the name and style of the Trustees of Bascom Col-
lege; and by that name may sue and be sued, plead and be
impleaded, shall have succession and a common seal, and in
general shall have, exercise and enjoy all such rights, pow-
ers and privileges, as are usually exercised and enjoyed by
the trustees of any incorporated college in this State.

SEC. 2. *Be it further enacted,* That any three of the Three to con-
stitute a quo-
rum.
trustees, may constitute a quorum for the transaction of
business; and that on death, removal or refusal to act, of
any of the trustees of the college aforesaid, the remaining
trustees shall have power to fill such vacancy. [*Ratified*
the 16th day of February, 1859.]

COURTS.

AN ACT ALTERING THE TIME OF HOLDING THE COURTS OF PLEAS *Chap. 87.*
AND QUARTER SESSIONS IN THE COUNTIES OF CATAWBA, LIN-
COLN AND GASTON.

SECTION 1. *Be it enacted by the General Assembly of the* County courts
to be held same
weeks superior
courts are held.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That the two sessions of the county
courts of the counties of Catawba, Lincoln and Gaston,
heretofore held in Catawba on the second, in Lincoln on the
third, and in Gaston on the fourth Monday after the fourth
Monday in March and September, be hereafter held for
said counties respectively on the same weeks, and at the
same time the superior courts of law and equity are held
for the said counties.

SEC. 2. *Be it further enacted,* That all laws and clauses
of laws in conflict with the foregoing be hereby repealed.

SEC. 3. *Be it further enacted*, That this law shall go into effect from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 88. AN ACT TO FIX THE TIMES OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS FOR WATAUGA COUNTY.

Courts, when held.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter the courts of pleas and quarter sessions in and for the county of Watauga shall be held as follows, to-wit: On the 7th Monday after the 4th Monday of March, June, September and December in each and every year, and all process of every kind and nature whatsoever returnable to said courts shall be in conformity with this act.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after the 1st of March, 1859. [*Ratified the 16th day of February, 1859.*]

Chap. 89. AN ACT TO REPEAL AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS FOR CHOWAN COUNTY, PASSED AT THE SESSION OF 1856-'7.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the session of the General Assembly of 1856-'7, entitled "an act to change the time of holding the courts of pleas and quarter sessions for Chowan county" be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the courts of pleas and quarter sessions for said county of Chowan, shall be held at the times appointed prior to the passage of said act, to wit: "First Monday in February, May, August and November."

SEC. 3. *Be it further enacted*, That this act shall take effect from and after the first day of January, 1859. [*Ratified the 11th day of December, 1858.*]

AN ACT TO ALTER THE TIMES OF HOLDING THE COURTS OF PLEAS *Chap. 90.*
AND QUARTER SESSIONS FOR THE COUNTY OF JONES.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the courts of pleas and quarter sessions for the county of Jones shall hereafter commence and be held on the fourth Monday of March, June, September, and the third Monday in December in each and every year, and may continue for one week under the same rules and regulations as are now provided by law for the holding of said courts. Courts, when held.

SEC. 2. *Be it further enacted*, That all process which has been or hereafter shall or may be issued from the court of pleas and quarter sessions for the said county returnable to the last Monday in January, 1859, shall be held and deemed in law to be in force and returnable on the fourth Monday of March next, and all recognizances heretofore taken, and all suits and proceedings of every nature and heretofore begun and pending in said court, shall stand continued to and be triable at the session held on the fourth Monday of March next. Process, &c.

SEC. 3. *Be it further enacted*, That hereafter the superior court of law and equity for the county of Jones shall be opened and held on the fifth Monday after the fourth Monday in March and September in each and every year, under the same rules and regulations as are now prescribed by law for holding said court. Superior court.

SEC. 4. *Be it further enacted*, That all proceedings and process of every kind pending in or returnable to the said superior court of law and equity shall stand continued and be returnable to the said fifth Monday after the fourth Monday in March, and be in full force, any law to the contrary notwithstanding. Proceedings, process, &c.

SEC. 5. *Be it further enacted*, That this act shall be in

force from and after the first day of January, 1859. [*Ratified the — day of —, 1859.*]

Chap. 91. AN ACT TO CHANGE THE TIMES OF HOLDING THE COUNTY COURTS OF ASHE COUNTY.

Courts, when held.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the court of pleas and quarter sessions of the county of Ashe shall be held on the second Monday in January, April, July and October, instead of the times now prescribed by law.

Process, &c.

SEC. 2. *Be it further enacted,* That all process, notices and other papers returnable to said courts, shall, after February term, 1859, of said court, be returnable at the times before mentioned.

SEC. 3. *Be it further enacted,* That the change above prescribed, shall commence and take effect at May term, 1859, of said court.

Wilkes county courts.

SEC. 4. *Be it further enacted,* That the courts of pleas and quarter sessions for the county of Wilkes, shall be held on the third Monday in January, April, July and October. This act shall take effect from and after the first day of June next. [*Ratified the 16th day of February, 1859.*]

Chap. 92. AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF PLEAS AND QUARTER SESSIONS FOR FORSYTH COUNTY.

Courts, when held.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the third Monday in March, in the year 1859, the courts of pleas and quarter sessions for the county of Forsyth shall be held on the first Mondays of June, September, December and March, of each and every year.

SEC. 2. *Be it further enacted,* That all laws coming in conflict with this act be and the same are hereby repealed. [*Ratified the — day of February, 1859.*]

AN ACT CONCERNING COURTS OF PLEAS AND QUARTER SESSIONS FOR *Chap. 93.*
THE COUNTY OF DUPLIN.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the acting justices of the court of pleas and quarter sessions for the county of Duplin are empowered to call an extra term of said court, whenever, in their opinion, the business of the court requires it.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

AN ACT TO RESTORE JURY TRIALS IN THE COUNTY COURTS OF *Chap. 94*
CLEAVELAND COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of an act passed in the years 1846-'7, entitled an act to abolish jury trials in the county courts of Rutherford and Cleaveland, or as much of said act as relates to the county of Cleaveland, be and the same is hereby repealed. Repealing clause.

SEC. 2. *Be it further enacted,* That from and after the ratification of this act it shall be lawful for the said county courts of Cleaveland to hold their jury terms in the same manner as they did before the said act of 1846-'7, and that the said jury terms shall be held at their regular March and September sessions.

SEC. 3. *Be it further enacted,* That it shall be the duty of the justices composing the special court of said county to meet at the court house of said county on the second Monday in February, 1859, and draw a jury and have the same summoned to the regular March session, 1859, of said court. Duty of justices.

SEC. 4. *Be it further enacted,* That all laws and clauses of laws coming in conflict with the intent, meaning and purview of this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification, and that a copy of the same, upon its passage, shall be certified and sent to the clerk of the [court of] pleas and quarter sessions for the county of Cleaveland. [*Ratified the 4th day of January, 1859.*]

Chap. 95. AN ACT TO RESTORE THE JURY TRIALS IN GASTON COUNTY COURTS.

Repeals former act

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act entitled “an act giving exclusive jurisdiction to the superior courts of Lincoln and Gaston, in all cases where the intervention of a jury is necessary,” passed at the session of 1848-'49, be, and the same is hereby repealed, or so much thereof as relates to Gaston county.

Jurors.

SEC. 2. *Be it further enacted*, That it shall be lawful for the justices of the peace, a majority being present, at the February term 1859, or any term thereafter, to summon not more than thirty-six, nor less than thirty jurors to the regular February and August terms of said court.

Power of court.

SEC. 3. *Be it further enacted*, That this court shall have the same powers and privileges that was granted to it previous to the passage of the said act of 1848-'49.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act, be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 96. AN ACT TO RESTORE JURY TRIALS TO THE COUNTY COURTS OF LINCOLN COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-*

thority of the same, That an act of the General Assembly, entitled "an act granting to the superior courts of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary," ratified on the 27th day of January, 1849, be, and the same is hereby repealed, so far as the same relates and applies to the county of Lincoln; and that jury trials are hereby in all things fully restored to the county courts of Lincoln, agreeably to the public laws on that subject.

Repealing
clause.

SEC. 2. *Be it further enacted*, That it shall be in the power of a majority of the acting justices of the county of Lincoln, if they shall think it expedient, to dispense with the grand jury, at any one or more, or all the terms of the court of pleas and quarter sessions for said county, and that not more than twenty-four jurors shall be drawn for such term or terms in which the grand jury shall be dispensed with.

May dispense
with grand
jury.

SEC. 3. *Be it further enacted*, That the terms of said Lincoln county court shall be held at the times now provided by law, but that it shall be competent for the justices of said court, a majority of the same being present, to alter the time for holding any one or more of said terms, and make all necessary rules and regulations for the government of the same.

Times of hold-
ing court.

SEC. 4. *Be it further enacted*, That no jury shall be summoned to attend said courts before the July term, A. D., 1859.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with the provisions of this act be and the same are hereby repealed; and that this act shall be in force from and after its ratification. [*Ratified the 21st day of January, 1859.*]

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO ABOLISH JURY TRIALS IN THE COUNTY COURTS OF POLK COUNTY." *Chap. 97.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the session of

Restores jury
trials.

1856-'57, entitled "an act to abolish jury trials in the county courts of the county of Polk," be and the same is hereby repealed.

Powers re-
restored.

SEC. 2. *Be it further enacted*, That the county courts of said county be and they are hereby reinvested with all the powers, privileges and immunities granted them by an act passed at the session of the General Assembly of 1854-'55.

SEC. 3. *Be it further enacted*, That this act shall be in full force and effect from and after its passage. [*Ratified the — day of February, 1859.*]

Chap. 98. AN ACT TO ABOLISH JURY TRIALS IN THE COUNTY COURTS OF CHEROKEE AND JACKSON.

May abolish
jury trials.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for a majority of the justices of the peace of the counties of Cherokee and Jackson, at the first term of the county court to be held for said counties, after the first day of June, 1859, to abolish and dispense with jury trials in said courts.

Duty of clerks
of county
courts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerks of the courts of pleas and quarter sessions of the counties aforesaid, to make out a transcript of all suits which may be pending, where the intervention of a jury is necessary, in said courts, by the first day of August next, and deliver the same to the superior court clerks of said counties, together with all such papers as may relate to said suits.

Duty of clerks
of superior
courts.

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerks of the superior courts to receive all such transcripts of record, together with all papers relating thereto, and enter them on the superior court docket, observing the order of precedence of each suit, as indicated by its number, and shall stand in the same order for trial in the superior court in said counties, as they originally stood in the courts of pleas and quarter sessions from which they were removed.

SEC. 4. *Be it further enacted*, That if the clerk of the superior court, or the clerk of the court of pleas and quarter sessions, fail or neglect to perform the duties enjoined on them by this act, they shall forfeit and pay one hundred dollars, to be recovered by action of debt, in the name of the State, and applied to the use of the county. Penalty for neglect.

SEC. 5. *Be it further enacted*, That no appropriation shall hereafter be made of the public moneys of the county of Cherokee, unless a majority of the justices of the peace for said county shall be present and presiding. Public moneys.

SEC. 6. *Be it further enacted*, That whenever an issue of *devisavit vel non*, of fraud in an action of *capias ad satisfaciendum*, an issue of bastardy, or any question of fact requiring a jury, such issue shall, upon being made up in the courts of pleas and quarter sessions, be immediately transferred to the superior court for hearing; and the clerks of the county courts and superior courts shall be under the same penalties, for a violation of this section, as are prescribed for similar violations in section fourth of this act. Jury trials to be had in superior courts.

SEC. 7. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act, be and the same are hereby repealed. [*Ratified the 7th day of February, 1859.*]

AN ACT AUTHORIZING THE ACTING JUSTICES OF CUMBERLAND, DUPLIN AND CRAVEN COUNTIES TO APPOINT SPECIAL TERMS OF THE COURTS OF PLEAS AND QUARTER SESSIONS FOR SAID COUNTIES. Chap. 99.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if a majority of the acting justices of the counties of Cumberland, Duplin and Craven, find that the business of the courts of pleas and quarter sessions, on the civil or trial dockets of said counties, cannot be determined at the regular terms of said courts, held on the first Mondays of March, June, September and December in Cumberland, on the third Mondays of January, April, July and October in Duplin county, on the second Mon- Justices may appoint a special term.

days of March, June, September and December in Craven county, of each and every year, and that the civil business of said courts has become too great to be determined at the regular terms thereof, a majority of said justices may appoint a special term of said courts, to be held for one or two weeks, at their discretion, at some specified time before the next term ensuing, and the clerks of the courts shall publish the same in two or more newspapers in the town of Fayetteville, Wilmington or Newbern, for thirty days before the sittings of said courts, and the courts shall be held for the time appointed, unless the business be sooner finished.

Jurors.

SEC. 2. *Be it further enacted*, That the justices holding the regular court immediately preceding the special terms hereby authorized to be held, shall have full power and authority, and it shall be their duty to draw not more than twenty-four nor less than twelve jurors to serve at said special courts; and in case of said courts failing to draw the jury as aforesaid, the sheriff and the clerk of the county courts, in the presence of and assisted by three of the justices of the peace of said counties, shall draw the jury in the manner prescribed by law.

Duty of clerks.

SEC. 3. *Be it further enacted*, That the clerks of the county courts of said counties shall deliver a list of the jurors, drawn as aforesaid, to the sheriff of the county, who shall summons the persons therein named to attend as jurors at said court, which summons shall be served personally, or by leaving a copy thereof at the house of the juror, at least five days before the sitting of the court to which he may be summoned; and the jurors shall appear and give their attendance until duly discharged; and that there may not be a defect of jurors, the sheriff shall, by order of the court, summon from day to day, of the bystanders, other jurors, being freeholders within said county, to serve on the jury; and the court may discharge any juror from serving for any cause to be judged of by them.

Powers of justices.

SEC. 4. *Be it further enacted*, That any three justices, or more, of said counties, holding said special terms, are hereby empowered to hear, try and determine all causes standing on the trial dockets of said courts at their previous terms, and to do all things appertaining thereto, and to have, use

and enjoy all the rights and privileges of justices holding a regular term, in the same manner, and to as full extent as if the same were a regular term of the court; but no process shall be returnable thereto, except subpoenas for the attendance of witnesses. [*Ratified the 31st day of January, 1859.*]

AN ACT TO PAY JURORS IN JACKSON COUNTY.

Chap. 100.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Jackson county, a majority of justices of the peace being present, shall have the power to pay grand jurors and jurors summoned on the original pannel not exceeding one dollar per day. This act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT CONCERNING JURORS SUMMONED BY SPECIAL WRIT OF VENIRE IN CARTERET AND JONES COUNTIES.

Chap. 101.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons who may be summoned by special writ of *venire* to serve as a jury in the court of pleas and quarter sessions of Carteret and Jones counties shall receive the same compensation as is now allowed by law to jurors summoned on an original *venire*. Compensation to jurors.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

COUNTIES.

Chap. 102. AN ACT TO SETTLE THE DIVIDING LINE BETWEEN THE
COUNTIES OF WAYNE AND WILSON.

Changes line.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the act passed at the session of 1854-'55, to lay off and establish a county by the name of Wilson, be amended as follows: strike out the words "thence a direct line to Ruffin's bridge, diverging north at the house of Jacob Hooks, so as to leave the dwelling house of said Hooks, in the county of Wayne," and insert "thence a direct line to a large pine near the mouth of Jacob Hook's lane, north of Jacob Hook's dwelling house, thence a direct line to Ruffin's bridge."

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 103. AN ACT TO ALTER AND CHANGE THE DIVIDING LINE BETWEEN
THE COUNTIES OF BURKE AND CALDWELL

Line, now
altered.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the dividing line between the counties of Burke and Caldwell be altered and changed in the following manner, to wit: from Corpening's bridge on lower creek, the line shall run with said creek to a point where the lands of Joseph Tipps and Jesse Harrison join, thence a north-eastwardly course to a large pine tree near the public road leading from the Horseford road to Sudderth's ferry, the said pine being now a line tree between said counties of Burke and Caldwell, thence with the line as established at the session of the General Assembly of 1840-'41, and that said line be so run as to include the dwelling house of Jesse Harris, within Caldwell county.

SEC. 2. *Be it further enacted,* That so much of the act of

1840-'41, establishing Caldwell county, as comes in conflict with this act be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

GAS COMPANIES.

AN ACT TO INCORPORATE THE NEWBERN GASLIGHT COMPANY. *Chap. 104.*

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of the North-Carolina, and it is hereby enacted by the
authority of the same, That Edward R. Stanly, Charles Slover, Alexander Miller, Thomas G. Hall, William Hollister, Robert J. Primrose, J. G. Tull, W. H. Oliver, Alonzo T. Jerkins, and their successors, be and they are hereby constituted a body politic and corporate under the name and style of the "Newbern Gaslight Company."

SEC. 2. *Be it further enacted*, That the said Newbern Rights, privileges, &c.
 Gaslight Company shall be entitled to all the rights, privileges and immunities, and subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That the capital stock of Capital stock.
 said company shall be sixteen thousand dollars in shares of one hundred dollars each, and the same may be increased to the sum of twenty-five thousand dollars by a majority of the stockholders in said company.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 8th day of January, 1859.*]

AN ACT TO INCORPORATE THE WASHINGTON GASLIGHT COMPANY. *Chap. 105.*

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That S. R. Fowle, James E. Hoyt,

Joseph Potts, L. Hyatt, G. H. Brown, F. J. King, O. V. Telfair, John A. Arther, and their associates, successors and assigns, be and they are hereby created a corporation and body politic in law and in fact by the name and style of "the Washington Gaslight Company" for the purpose of manufacturing and selling gas for lighting the town of Washington and its vicinity, and for other purposes, and by that name may sue and be sued, plead and be impleaded in any court of law or equity, may have and use a common seal, and change the same at pleasure; have power to make all such rules, by-laws and regulations not inconsistent with the constitution of this State or of the United States as may be deemed necessary for the government of said company, which shall be binding thereon, and shall possess and enjoy all rights, privileges and immunities of a corporation or body politic in law necessary to carry on the business.

Capital not to
exceed \$50,000.

SEC. 2. *Be it further enacted*, That the said company may employ such an amount of capital, not exceeding fifty thousand dollars, as may be deemed necessary to carry on the business aforesaid, which may be divided into shares of one hundred dollars each, or such other amount as the stockholders in general meeting may determine, for obtaining which books of subscription may be opened by the corporators aforesaid, and the same paid in such manner and at such times as the board of directors shall require, and if any subscriber shall fail to pay any instalment at the time required he shall pay interest thereon, and his stock shall be forfeited and may be sold by the directors and the proceeds applied to the payment of the aforesaid deficient instalment; certificates of stock may be issued and the same made transferable and assignable as the by-laws of the company shall prescribe.

Affairs, how
managed.

SEC. 3. *Be it further enacted*, That the affairs of the said company shall be managed by a board of directors chosen from among the stockholders, composed of such number and elected in such manner as the by-laws shall prescribe, which directors shall choose one of their number to be president of the board, and of the company three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall

always be one; they shall have power to fill any vacancy that may happen in their body until the next meeting of stockholders, and to appoint all such officers as may be deemed necessary in accordance with the by-laws, and fix their compensation, and take bonds in such sums as may be thought proper, conditioned for the faithful performance of their duties, and shall fix the amount of compensation which the president shall receive for his services.

SEC. 4. *Be it further enacted*, That as soon after the ratification of this act as they may think proper the corporators aforesaid named in the first section, or a majority of them, may call a general meeting of the subscribers to the stock in said company, to be held after five days' notice being given for the purpose of adopting by-laws for and electing directors of said company, which directors and all those who may be elected by any subsequent meeting of stockholders, shall continue in office until their successors shall be duly elected by a succeeding meeting. General meeting.

SEC. 5. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe; to constitute a meeting there must be present in person or by proxy, the proxy being a stockholder, those who hold a majority of the stock; each share of which shall entitle the holder to one vote, and every act shall require the sanction of a majority of the votes which may be present. Meetings to be held as by-laws direct.

SEC. 6. *Be it further enacted*, That the said corporation shall have full power and authority to manufacture and sell gas made from any materials or substance whatsoever, and in such quantities as may be required for lighting the streets and all buildings and other places within the town of Washington or its vicinity, or for any other purposes, to purchase and hold such lots and parcels of land in the town of Washington, or its vicinity, and erect thereon all such buildings and improvements as may be necessary or convenient for the manufacture of gas, or in the retention and distribution thereof, and when expedient to sell and convey the same, to lay pipes or other conductors for conveying gas through, upon or under any or all of the streets, alleys and public lots of the town of Washington, and the public roads in the Powers, &c.

vicinity thereof, provided such streets, alleys, public lots and roads shall be left in as good condition as they were in before the time of laying such pipes and conductors; also to hold such personal property of any nature or kind whatsoever as may be necessary or convenient in carrying on the business aforesaid; and also from time to time to repair, reconstruct, maintain and preserve all such works, fixtures, machines or other property held by them as often as may be required, and to sell the same whenever deemed expedient.

Penalty for injuring pipes, &c.

SEC. 7. *Be it further enacted*, That if any person or persons shall negligently or wilfully, by any means whatsoever, injure, impair or destroy any conduit pipes, cock, machine, building or store house whatsoever, or any thing appertaining to the works of said company, the person or persons so offending shall forfeit and pay to the said company double the amount of damages sustained by such injury, and the same may be recovered in the name of the company, with costs of suit, in any court of record in the county of Beaufort, and moreover they shall be subject to indictment in either the county or superior courts of said county as for a misdemeanor, and upon conviction shall be fined or imprisoned, or both, according to the nature of the offence, at the discretion of the court.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall continue in force for the period of fifty years. [*Ratified the 16th day of February, 1859.*]

Chap. 106. AN ACT TO INCORPORATE THE SALISBURY GAS-LIGHT COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That J. H. Ennis, Joel Jenkins, D. A. Davis, John Holt, William Murphy, Nathaniel Boyden and Ezekiel Myers, and their successors be, and are hereby constituted a body politic and corporate, under the name and style of the "Salisbury Gaslight Company."

SEC. 2. *Be it further enacted*, That the said Salisbury Gaslight Company shall be entitled to all the rights, privileges and immunities, and shall be subject to all the restraints and restrictions contained in chapter 26 of the Revised Code entitled corporations.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, in shares of fifty dollars each, to be paid in such manner, and under such rules and regulations as the president and directors of said company shall prescribe; and that said company may go into operation as soon as ten thousand dollars shall have been subscribed. Capital stock.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of — 1859.*]

AN ACT TO INCORPORATE THE NEWBERN GASLIGHT COMPANY. *Chap. 107.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Edward R. Stanly, Charles Stover, Alexander Miller, Thomas G. Wall, William Holister, Robert S. Primrose, J. Graham Tull, William H. Oliver, Alonzo T. Jerkins and their associates and successors be and they are hereby constituted a body politic and corporate, under the name and style of the Newbern Gaslight Company. Body politic.

SEC. 2. *Be it further enacted*, That the said Newbern Gaslight Company shall be entitled to all the rights, privileges and immunities, and be subject to all the restrictions contained in chapter 26th of the Revised Code entitled "corporations." Rights, privileges, &c.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be sixteen thousand dollars, in shares of one hundred [dollars] each, and the same may be increased to the sum of twenty-five thousand dollars by a majority of the stockholders in said company. Capital stock.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 108. AN ACT TO INCORPORATE THE RALEIGH GASLIGHT COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas D. Hogg, Charles B. Root, James McKimmon, Henry D. Turner and Daniel G. Fowle, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name and style of the "Raleigh Gaslight Company."

Rights, privileges, &c.

SEC. 2. *Be it further enacted*, That the said Raleigh Gaslight Company shall be entitled to all the rights, privileges, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, in shares of one hundred dollars each, to be paid in such manner and under such rules and regulations as the president and directors of said company shall prescribe, and that said company may go into operation as soon as fifteen thousand dollars shall have been subscribed.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 109. AN ACT TO INCORPORATE THE RALEIGH GASLIGHT COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas D. Hogg, Charles B. Root, James McKimmon, Henry D. Turner and Daniel G. Fowle, and their successors be and they are hereby consti-

tuted a body politic and corporate, under the name and style of the "Raleigh Gaslight Company."

SEC. 2. *Be it further enacted*, That the said Raleigh Gaslight Company shall be entitled to all the rights, privileges and immunities, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations." Rights, privileges, &c.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 4th day of January, 1859.*]

INSURANCE COMPANIES.

AN ACT TO INCORPORATE THE ATLANTIC MUTUAL FIRE AND MARINE INSURANCE COMPANY. Chap. 110.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John A. Parrett, W. B. Grant, W. L. Long, A. B. Chassin, Levi Oglesby, David S. Jones, Samnel Leffers, Geo. W. Dills, David Bell, J. H. Davis, C. Thomas, J. Blakely, D. A. Hargett, Luke Blackmer, E. Mallett, and all other persons who may hereafter associate with them in the manner herein provided, shall be a corporation by the name of the "Atlantic Mutual Fire and Marine Insurance Company," and said corporation shall have the power and authority to make insurance upon dwelling houses, stores, shops and other buildings, household furniture, merchandise and all other property, against loss or damage by fire, and the said corporation shall have the power and authority to make insurance upon vessels, goods and merchandise, freights or bottomry, and they may also cause themselves to be insured against any risk or any interest they may have by virtue of any loans, or any policy or contract of insurance. To be a corporate body.

SEC. 2. *Be it further enacted*, That the said corporation shall have authority to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordi- To have a common seal.

nances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the laws of the United States or of this State, and generally to do all and singular the matters which to them shall lawfully appertain to the business of fire and marine insurance and for the well being of said corporation.

Affairs, how managed.

SEC. 2. *Be it further enacted*, That the affairs of the corporation shall be managed by a board of directors, consisting of not less than thirteen nor more than fifteen members as hereinafter provided. All vacancies happening in said board may be filled by the remaining directors for the balance of the year, or the time for which they were elected, and five members of said board shall constitute a quorum for the transaction of business

SEC. 4. *Be it further enacted*, That no policy shall be issued until application shall be made for insurance for forty thousand dollars at least.

Insurers to be members.

SEC. 5. *Be it further enacted*, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, and administrators and assigns, continuing to be insured in said corporation, as herein provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.

Directors, &c.

SEC. 6. *Be it further enacted*, That the above mentioned persons in section first, shall be the first directors of said corporation, and shall continue in office one year after the passage of this act, or until others are chosen in their place; they shall appoint one of their number president of the company, and such other officers as they may deem necessary to carry on the affairs of the company, under such rules and regulations as the company may prescribe, which board of directors shall hereafter be elected annually, at such time and place, in Carolina City, as the corporation in their by-laws shall appoint, of which public notice shall be given in at least one newspaper published in the county of Carteret: said election shall be made by ballot and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company.

SEC. 7. *Be it further enacted*, That the directors may Directors to determine rates, &c. determine the rates of insurance, the amount to be insured, and the sum to be paid for any insurance, and any person who shall become a member of this corporation by effecting insurance therein, may at their option pay a definite sum in cash, to be determined by the directors in lieu of a deposit note; that any person who shall become a member of this corporation by effecting insurance therein, and shall deposit his promissory note for such sum of money as shall be determined by the directors, a part not exceeding twenty five per cent. of said notes, shall immediately be paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same necessary, for the payment of losses and incidental expenses as shall be necessary for the transaction of the business of said company, and at the expiration of the time of insurance, the said note or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during said time, shall be relinquished and given to the maker or makers thereof.

SEC. 8. *Be it further enacted*, That the board of directors may appoint three of their number as an executive committee, who shall have full power, and be competent to transact any business for the said corporation, and to prescribe, from time to time, such rules and regulations as to them shall appear needful and proper, touching the management and disposition of property, estate and effects of said corporation, and touching the duty of their officers, agents and clerks, and shall generally possess the power to transact the business of the company in the recess of the board of directors. Executive committee.

SEC. 9. *Be it further enacted*, That suits of law may be Suits may be maintained. maintained by said corporation against any of its members for the collection of said deposit notes or any assessments thereon, or for any other cause relative to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation for losses or damages sustained on any policy of insurance; if payment be withheld for more than three months after the company are notified of such losses or damages, and no

member not being in his individual capacity a party to such suit, shall be incompetent as a witness in such suit or case, on account of his being a member of said company.

Responsibility
of members.

SEC. 10. *Be it further enacted*, That every member of said company shall be bound to pay for such losses and such necessary expenses aforesaid accruing in and to said company in proportion to the amount of his or her deposit note.

Losses to be
paid.

SEC. 11. *Be it further enacted*, That the directors, after receiving notice of any loss or damage sustained by any member on any policy of insurance, and ascertaining the same, or after rendition of any judgment as aforesaid against said company for loss or damage shall settle and determine the sums to be paid by the members, which shall always be in proportion to the original amount of his or her deposit, note or notes, and shall be paid to the treasurer within thirty days next after the publication of notice of assessment as the by-laws shall prescribe, and if any member shall for the space of thirty days after the publication of said notice neglect or refuse to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected, on demand within thirty days from the expiration of the policy, and the president and directors may, at their discretion, cancel the policy of any member who shall, after having sixty days notice, refuse or neglect to pay any assessment made on said premium notes.

May loan
money.

SEC. 12. *Be it further enacted*, That it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate, of double the value of the sum so loaned, or by bond, with two or more securities, to be approved by the board of directors or the executive committee, or may be

invested in bank stock, or other stock, as the directors may deem advisable.

SEC. 13. *Be it further enacted*, That the said corporation shall have power to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, hereditaments, goods and chattels of what kind soever, real, personal or mixed, and the same from time to time to sell, demise, grant, alien or dispose of: *Provided*, That the said real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of the business thereof, or shall be taken and held as security for the payment of debts due the corporation, and that the yearly income of said real estate shall not at any time exceed ten thousand dollars. May hold lands, &c.

SEC. 14. *Be it further enacted*, That all laws and clauses of laws contrary to the provisions of this act be and the same are hereby repealed and made void, and that this act shall take effect from and after its ratification. [*Ratified the 31st day of January, 1859.*]

AN ACT TO REVISE AND CONSOLIDATE THE ACTS RELATING TO THE NORTH-CAROLINA MUTUAL INSURANCE COMPANY. Chap. 111.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said North-Carolina Mutual Insurance Company shall be and continue a corporation by the name of the North-Carolina Mutual Fire Insurance Company, for the purposes of insuring dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire. To be a corporation.

SEC. 2. *Be it further enacted*, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer. Insurers to be members.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors, consis- Affairs, how managed.

ting of twenty members as hereinafter provided. That all vacancies occurring in said board may be filled by the remaining directors for the remainder of the year; and five directors shall constitute a quorum for the transaction of business.

Board of directors.

SEC. 4. *Be it further enacted*, That the board of directors shall be elected in each year, at such time and place in the city of Raleigh as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one of the newspapers published in said city, at least thirty days immediately preceding such election; such election shall be held under the inspection of three members, not being directors, to be appointed previous to every election by said board of directors, and such election shall be made by ballot and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company; and in case of failure to elect, as above required, the board of directors of the preceding year shall continue to act until an election shall be had.

Rates of insurance.

SEC. 5. *Be it further enacted*, That the directors may determine the rates of insurance, the amount to be insured and the sum to be deposited for any insurance.

To deposit promissory note.

SEC. 6. *Be it further enacted*, That every person who shall become a member of said corporation shall, before he receives his policy, deposit his promissory note or bond, payable to either the company or treasurer of the same, for such a sum of money as shall be determined by the directors; such part as the directors may determine shall be immediately paid, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company, and at the expiration of the term of insurance the said note or bond, or such a part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof.

SEC. 7. *Be it further enacted*, That when any property insured by this corporation shall be alienated, by sale or otherwise, or shall be enumbered by any lien, this policy shall thereupon be void and be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, or on giving proper security to the satisfaction of said directors, for such portion of the deposit or premium notes or bond as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued, was entitled and subject to under this act.

Insured property alienated.

SEC. 8. *Be it further enacted*, That every member of said company shall be bound to pay for such losses and such necessary expenses aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or bond; and the said company may acquire a lien on the buildings insured by them, and on the interest of the assured in the lands on which they are situated, by filing with the public register of the county in which the same may lie, a memorandum containing the name of the person insured, or being desirous of being insured, signed by him or by his agent, and if signed by an agent such signing to be attested by a witness, a description of the buildings, the situation and location of the land whereon they stand, with reference to other persons' lands, and in what village, town, city and county situated; and if situated in a town or city, the number of the land, lot or lots to be insured according to the plan of such town or city, or by what other lots of other persons (naming them) the same is bound, the amount of the deposit note or bond, and the term for which the policy is to continue.

Members bound.

Lien, &c.

SEC. 9. *Be it further enacted*, That the lien in the nature of the mortgage to the amount of his deposit note or bond, on the building insured, and the right, title and interest of the assured to the lands on which they stand, shall commence when the said memorandum shall be delivered to the register, and shall be and continue a subsisting lien or mortgage, so as to enable the said company to recover thereon such losses and such expenses as accrued in and to said company, in proportion to the amount of his deposit note or bond, provided the same accrued previous to the termination of said policy.

Clerks and justices to certify acknowledgments.

SEC. 10. *Be it further enacted*, That the clerks of the several courts of pleas and quarter sessions, by themselves or their deputies, and also one of the acting justices of the peace, in their respective counties wherein the land insured or to be insured is situated, shall have authority to take and certify the acknowledgment or probate of any and all memoranda, the object of which is to procure such insurance and to create such lien, that shall be presented to them for acknowledgment or probate, upon the acknowledgment of the person whose name is mentioned in the said memorandum as the applicant for insurance, or upon proof on oath by an attesting witness that he saw it signed or heard it acknowledged by the person named therein as applicant.

Insurers, &c.

SEC. 11. *Be it further enacted*, That whenever the said corporation, by any of its agents, or any person that is desirous to insure property with said corporation, shall present to a register of the county wherein such property is situated, such a memorandum, certified either by such clerk or such justice of the peace as aforesaid, it shall be the duty of such register to receive the same, endorse on said memorandum the day on which it is presented and delivered to him for registration, and immediately to register the same with such certificate, and return the same after registering it to the party that presented it, upon his request, taking as his fee for registering, the sum of forty cents; and in case said register do fail to comply with this provision, he shall be liable in like manner as for his failure to comply with the provisions of the sixth section of the 96th chapter of the Revised Code.

SEC. 12. *Be it further enacted*, That in all proceedings at law or in equity, the register of such memorandum, or the copy thereof certified by such register, shall be received in evidence in behalf of or against said corporation, in like manner as the original memorandum, except when upon affidavit a variance between such original and the register is asserted to exist, and notice has been previously given to produce the original; in which case the original shall be produced or its absence accounted for by said corporation.

Register of memorandum.

SEC. 13. *Be it further enacted*, That in all cases where a permanent lien cannot or is not intended to be created, the directors or executive committee may require an indemnity instead thereof, by an approved surety or sureties on the premium note or bond. The directors or executive committee may at any time, when a majority of their whole number shall concur therein, require further surety on the premium note or bond; and in case the assured shall neglect or refuse to comply with the request of the directors in this respect, for two calendar months, after he, she or they shall be apprised thereof, by a notice in writing from the secretary, for that purpose served upon said assured, his policy shall become null and void, and the amount theretofore paid upon said premium note or bond shall be forfeited to said company, and the said premium note or bond shall continue in force so as to enable the said corporation to collect upon it any losses or expenses that accrued previous to the termination of said policy.

Lien, &c.

SEC. 14. *Be it further enacted*, That the premium notes or bonds taken as hereinbefore prescribed shall be made payable to the corporation or its treasurer; and suits at law may be maintained thereon by said corporation against any of its members for the collection of said deposit notes or bonds or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation for the losses or damage by fire, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the corporation, not being in his individual capacity a party to such

Premium notes

suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

Losses to be determined.

SEC. 15. *Be it further enacted*, That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same or after the rendition of any judgment as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or bond, and shall be paid to the treasurer thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or bond with cost of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected on demand in thirty days from the expiration of the term for which the insurance was made.

May loan money.

SEC. 16. *Be it further enacted*, That it shall be lawful for the said corporation to loan such portion of their money on hand as may not be immediately wanted for the purpose of said corporation, to be secured by mortgage on unincumbered real estate of double the value of the sum so loaned or by bond with two sureties to be approved by the executive committee or the board of directors.

Place of business.

SEC. 17. *Be it further enacted*, That the operation and business of the corporation, shall be carried on and conducted at such place in the city of Raleigh as shall be designated by the directors present at any regular meeting.

Repealing clause.

SEC. 18. *Be it further enacted*, That all laws and clauses of laws contrary to the provisions of this act be and the same are hereby repealed and made void, and that this act shall take effect from and after its ratification and be in

force thirty years. [*Ratified the 15th day of February, 1859.*]

AN ACT TO INCORPORATE THE SALEM MUTUAL INSURANCE COMPANY. *Chap. 112.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Thos. J. Wilson, E. A. Vogler, A. J. Stafford, J. G. Lash, H. A. Lemly, E. Belo, Joshua Boner, J. W. Alsbaugh, R. Gray, J. L. Falkerson, R. L. Patterson, Theodore Keehn and Jesse A. Waugh, and all persons who may hereafter associate with them in the manner herein prescribed, shall be and continue a corporation by the name of "The Salem Mutual Insurance Company."

To be a corporation.

SEC. 2. *Be it further enacted,* That the said company shall have power to insure the dwelling houses, stores and other buildings, household furniture, merchandise and other property of the corporators, against loss or damage by fire, so also shall it have the power to insure the lives of the corporators, and to make all and every insurance appertaining to or connected with fire, or life risks of whatever kind or nature.

May insure houses, &c.

SEC. 3. *Be it further enacted,* That any married woman in her own name, or in the name of a trustee, may cause to be insured for her own use the life of her husband, and in case she survives him, the amount for which the insurance was effected shall be paid over to her for her own use, free from any claims of the representatives or creditors of her husband.

Wives may insure lives of husbands.

SEC. 4. *Be it further enacted,* That a husband may insure his own life for the sole use of his wife or children, or both together, and in case of his death the amount insured shall be paid over to the parties for whose use and benefit the insurance was effected, free from all claims of the representatives or creditors of the husband.

Husband may insure his life for benefit of wife, &c.

SEC. 5. *Be it further enacted,* That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be

Insurers to be members.

insured in said corporation, shall thereby become members thereof during the period they shall remain thus insured and no longer.

Affairs, how
managed.

SEC. 6. *Be it further enacted*, That the affairs of the company shall be managed by a board of directors of twelve members, who shall elect one of their number president. Three directors shall be elected every year at such time and place in the town of Salem, and in such manner as the corporation in their by-laws shall appoint. In case of failure to elect as above required, the board of directors and president of the preceding year shall continue to act until an election shall be had. All vacancies that may happen may be filled by the remaining directors for the remainder of the year.

Directors to
determine
rates of insur-
ance.

SEC. 7. *Be it further enacted*, That the directors may determine the rates of insurance, the amount to be insured, and the sum to be deposited for any insurance. The board of directors shall have power to make by-laws for the government of the company and for the regulation of the manner of insuring, of paying for losses, and of assessing the amount due from each corporator, and for all other purposes contemplated in chapter 26, Revised Code, entitled Corporations: *Provided*, That in no case more shall be demanded from any one than the amount of his premium note deposited.

Members
bound for losses.

SEC. 8. *Be it further enacted*, That every member of the company shall be bound for such losses and such necessary expenses as the company may be liable for in proportion to the amount of his deposit note; and the company may acquire a lien on the buildings insured by them, and on the interest of the assured in the lands on which they are situated, by filing with the public register of the county in which the same may lie a memorandum containing the name of the person insured, or desirous to be insured, signed by him or his agent; and if signed by an agent, such signature shall be attested by a witness, a description of the buildings, the location of the land whereon they stand, the names of the persons who own adjoining lots or tracts of land, the amount of the deposit note, and the term for which the policy is to contain [continue.]

SEC. 9. *Be it further enacted*, That the lien in the nature of a mortgage to the amount of his deposit note on the building insured, and the right, title and interest of the assured to the lands on which they stand, shall commence when said memorandum shall be delivered to the register, and shall be and continue a subsisting lien or mortgage so as to enable the said company to recover thereby such losses and such expenses as accrued in and to said company in proportion to the amount of his deposit note: *Provided*, That the same accrued previous to the termination of said policy. Liens, &c.

SEC. 10. *Be it further enacted*, That the clerks of the several courts of pleas and quarter sessions, by themselves or their deputies, and also any one of the acting justices of the peace in their respective counties, wherein the buildings insured or to be insured are situated, shall have authority to take and certify the acknowledgment or probate of any and all memoranda; the object of which is to create such lien. Probate of memoranda.

SEC. 11. *Be it further enacted*, That whenever such memorandum, certified either by a clerk or justice of the peace as aforesaid, shall be presented for registration, it shall be the duty of the public register to receive the same, endorse on it the day on which received, and forthwith register it, with the certificate, and, on demand, shall deliver the same to the person who had presented it, on receiving a fee of forty cents for registering; and in case the register fail to comply with the requirements of this section, he shall be liable as though guilty of failure to comply with the provisions of the 22d section of the 37th chapter of the Revised Code, entitled "Deeds and Conveyances." Memorandum, &c.

SEC. 12. *Be it further enacted*, That in all proceedings in law or equity, the registry of such memorandum or copy thereof, certified by the register, shall be received in evidence in behalf of, against said corporation, in like manner as the original memorandum, except where a variance between such original and the registry is (under affidavit) asserted to exist, and notice shall have been previously given to produce the original; in which case the original shall be produced or its absence accounted for. Registry of memorandum.

May require indemnity.

SEC. 13. *Be it further enacted*, That in all cases where a permanent lien cannot or is not intended to be created, the directors or executive committee may require an indemnity instead thereof by one or more sureties on the premium note. The directors may at any time require further surety on any premium note, and in case the assured shall neglect or refuse to comply with this requirement for sixty days after he shall have been served with a written notice of the same, his policy shall become null and void, and the amount therefor paid upon such premium note shall be forfeited to said company, and the said premium note shall continue in force so as to enable the said corporation to collect upon it any losses or expenses that accrued previous to the termination of said policy.

Premium notes

SEC. 14. *Be it further enacted*, That the premium notes shall be made payable to the corporation, and suits at law may be maintained against any of its members for the collection of said notes, or any assessment thereon, or for any other causes, so also suits may be brought by any member against said corporation; and any member, not being in his individual capacity a party to such suit, may be a competent witness for or against the corporation.

Losses.

SEC. 15. *Be it further enacted*, That the directors, after receiving notice of any loss for which the company is liable, and after ascertaining the amount, or after rendition of a judgment against the company, shall assess the instalment to be paid on each premium note, and publish such assessment as they may be directed in the by-laws; within thirty days after such publication, the sum due under such assessment shall be paid, and if any person shall, for thirty days after the publication of this notice, refuse or neglect to pay the sum assessed on his notice, the directors may sue for and recover the whole amount of his deposit note or notes, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such assessments as shall be made on the insured, and if any balance remain thirty days after the expiration of the policy, the same shall, on demand, be paid to the obligor in the note or his representatives.

SEC. 16. *Be it further enacted*, That the corporation may loan any moneys they may have on hand not required for immediate use, either on a mortgage on real estate, or on bonds with two or more good sureties, or on other security to be approved of by the directors. May loan money.

SEC. 17. *Be it further enacted*, That the business of the corporation shall be carried on at such place in the town of Salem as shall be designated by the directors at any regular meeting. Place of business.

SEC. 18. *Be it further enacted*, That this act shall take effect from and after its ratification, and be in force fifty years. [*Ratified the 15th day of February, 1859.*]

AN ACT TO INCORPORATE THE GOLDSBOROUGH MUTUAL INSURANCE COMPANY. Chap. 113.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Jesse J. Baker, Wm. K. Lane, W. C. Bryant, James A. Washington, J. B. Whitaker, A. B. Chafin, Jesse Bissell, W. A. Thompson, Council Best, George Calier, John M. Wooten, John Joiner, (Lenoir Co.,) Wm. Thompson, (Wilson Co.,) W. B. Grant, (Carteret Co.,) and all other persons who may hereafter associate with them in the manner herein provided, shall be a corporation by the name of "Goldsboro' Mutual Insurance Company;" and the said corporation shall have power and authority to make insurance upon dwelling houses, stores, shops and other buildings, household furniture, merchandize and all other property against loss or damage by fire; and the said corporation shall have the power and authority to make insurance upon vessels, goods, wares and merchandize, freight or bottomry against any risk or any interest they may have by virtue of any loans or any policy or contract of insurance. To be a corporation.

SEC. 2. *Be it further enacted*, That no policy shall be issued until application shall be made for insurance for forty thousand dollars at least.

SEC. 3. *Be it further enacted*, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be Insurers to be members.

insured in said corporation, as herein provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Rates of insurance, &c.

SEC. 4. *Be it further enacted*, That the directors may determine the rates of insurance, the amount to be insured and the sum to be paid for any insurance; and any person who shall become a member of this corporation by effecting insurance therein, may at their option pay a deposit sum in cash, to be determined by the directors, in lieu of a deposit note; that any person who shall become a member of this corporation by effecting insurance therein and shall deposit his promissory note for such sum of money as shall be determined by the directors, a part not exceeding twenty-five per centum of said note shall immediately be paid, and the remainder of said deposit note shall be payable in part or the whole at one time, when the directors shall deem the same necessary for the payment of losses and incidental expenses, as shall be necessary for the transaction of the business of said company, and at the expiration of the time of insurance the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said time, shall be relinquished and given to the maker or makers thereof.

Executive committee.

SEC. 5. *Be it further enacted*, That the board of directors may appoint three of their number as an executive committee, who shall have full power and be competent to transact any business for the said corporation, and to prescribe from time to time such rules and regulations as to them shall appear needful and proper touching the management and disposition of property, estate and effects of said corporation, and touching the duties of their officers, agents and clerks, and shall generally possess the power to transact the business of the company in the recess of the board of directors.

SEC. 6. *Be it further enacted*, That suits of law may be maintained by said corporation against any of its members for the collection of said deposit note or any assessment thereon, or for any other cause relative to the business of said corporation; also, suits at law may be prosecuted and maintained by any member against said corporation for

losses or damages sustained, or any policy of insurance if payment be withheld for more than three months after the company is duly notified of such losses or damage; and no member not being in his individual capacity a party to such suit, shall be incompetent as witness in such suit or case on account of his being a member of said company.

SEC. 7. *Be it further enacted*, That every member of said company shall be bound to pay for such losses and such necessary expenses aforesaid, accruing in and to said company, in proportion to the amount of his or her deposit note. Losses.

SEC. 8. *Be it further enacted*, That the directors after receiving notice of any loss or damage sustained by any member on any policy of insurance, and ascertaining the same, or after rendition of any judgment as aforesaid against said company for loss or damage, settle and determine the sums to be paid by the members, which shall always be in proportion to the original amount of his or her deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of notice of assessment as the by-laws shall prescribe; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him or his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses or expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected on demand within thirty days from the expiration of the policy, and the president and directors may, at their discretion, cancel the policy of any member who shall, after having sixty days notice, refuse or neglect to pay any assessment made on said premium notes. To pay losses.

SEC. 9. *Be it further enacted*, That it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purpose of said corporation, to be secured by mortgage on unincumbered real estate of double the value of the sum so loaned, or by bond with two or more securities to be approved by May loan money.

the board of directors or the executive committee, or may be invested in bank stock or other stock as the directors may deem advisable.

May hold real estate, &c.

SEC. 10. *Be it further enacted*, That the said corporation shall have power to purchase, receive, have, hold and enjoy to themselves and their successors, lands, tenements, hereditaments, goods and chattels of what kind soever, real, personal or mixed, and the same from time to time to sell, devise, grant, alien or dispose of: *Provided*, That the said real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of the business thereof, or shall be taken and held as security for the payment of debts due the corporation, and that the yearly income of said real estate shall not at any time exceed ten thousand dollars. [*Ratified the — day of —, 1859.*]

MILITIA.

Chap. 114. AN ACT TO INCORPORATE THE “PAMLICO GUARDS,” A VOLUNTEER COMPANY IN THE TOWN OF WASHINGTON.

Made a body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the volunteer company in the town of Washington, commanded by Joseph R. H. Carmer, be and the same is hereby incorporated and made a body corporate and politic, by the name and style of the “Pamlico Guards,” and by that name and style shall have succession, and shall be able and capable to sue and be sued, plead and be impleaded in any court in this State, and may adopt such constitution, by laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States or of this State, and that all fines and amercements imposed and collected by said company shall inure to the use and benefit of said company.

Exempt from serving on juries.

SEC. 2. *Be it further enacted*, That the members of said company, while they continue to act as members of said

company, shall be exempt from serving on juries in the county or superior courts.

SEC. 3. *Be it further enacted*, That all members of said company, after serving in said company for the space of seven years, shall thereafter be exempt from military duty except in cases of invasion or insurrection. Seven years' service.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed, and this act shall go in effect from and after its ratification. [*Ratified the 8th day of January, 1859.*]

AN ACT TO INCORPORATE THE "LONG ACRE GUARDS."

Chap. 115.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That George J. Waters, and such other free white male persons in the district of Long Acre, of Beaufort county, who may unite with him, be and they are hereby incorporated a volunteer corps of infantry, by the name of the "Long Acre Guards," and by that name may sue and be sued, plead and be impleaded, and shall have authority to adopt such by-laws, not inconsistent with the constitution and laws of the United States and of this State, as they shall deem proper for their regulation. Incorporated.

SEC. 2. *Be it further enacted*, That the members of said company, while they continue to act as members of said company, shall be exempt from serving on juries in the county and superior courts. Exempt from serving on juries.

SEC. 3. *Be it further enacted*, That all members of said company, after serving in said company for the space of seven years, shall thereafter be exempt from military duty except in cases of invasion or insurrection. Seven years' service.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall go into effect from and after its ratification. [*Ratified the — day of —, 1859.*]

Chap. 116. AN ACT TO ENCOURAGE THE FORMATION OF A MILITARY UNIFORM COMPANY IN THE TOWN OF WILMINGTON, NORTH-CAROLINA.

Exempt from
serving on ju-
ries.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the members of the Wilmington Light Infantry, to the number of sixty-six in all, be and the same are hereby exempted from serving on the juries of New Hanover county.

Captain to fur-
nish names.

SEC. 2. *Be it further enacted,* That the captain of said company shall, on the Saturday preceding each court in said county, furnish the chairman of the county court with the names of the persons entitled to the benefit of such exemption.

SEC. 3. *Be it further enacted,* That this act and the certificate provided for in the second section may be given in evidence in any proceeding thereon in any court in said county, and shall be in force for the space of five years, unless said company shall disband or fall below at least thirty effective members. [*Ratified the 4th day of January, 1859.*]

Chap. 117. AN ACT TO INCORPORATE THE "ORANGE GUARDS," A VOLUNTEER COMPANY IN THE TOWN OF HILLSBORO'.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the volunteer company in the town of Hillsboro', commanded by Captain Pride Jones, be and the same is hereby incorporated and made a body corporate and politic, by the name and style of the "Orange Guards," and by that name and style shall have succession, and be able and capable to sue and be sued, plead and be impleaded in any court in the State, and may adopt such constitution, by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States or this State.

SEC. 2. *Be it further enacted*, That all fines and amercements that may be imposed and collected by said company, from its members, shall inure to its own uses and benefit. Fines, &c.

SEC. 3. *Be it further enacted*, That the members of said company, while they continue to act as members thereof, shall be exempt from serving on juries in the county or superior courts, and from working on the public roads. Exempt from serving on juries and working roads.

SEC. 4. *Be it further enacted*, That all persons who can produce a certificate from the orderly sergeant, countersigned by the captain of said company, setting forth continuous membership for seven consecutive years, shall be exempt from military duty except in case of invasion or insurrection. Seven years' service.

SEC. 5. *Be it further enacted*, That in time of peace said company shall be subject to the orders of its own officers only, or to the orders of the governor of the State.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 21st day of January, 1859.*]

AN ACT TO INCORPORATE THE "ELM CITY CADETS," A VOLUNTEER COMPANY IN THE TOWN OF NEWBERN. Chap. 118.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the volunteer rifle company in the town of Newbern, commanded by Capt. George D. Lewis, be and the same is hereby incorporated and made a body corporate and politic by the name and style of the "Elm City Cadets," and by that name and style shall have succession, and be able and capable to sue and be sued, plead and be impleaded in any court in the State, and may adopt such constitution, by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States or of this State; and that all fines and amercements imposed and collected by said company shall inure to the use and benefit of said company. Incorporated.

Exempt from
serving on ju-
ries.

SEC. 2. *Be it further enacted*, That the members of said company, while they continue to act as members of said company, shall be exempt from serving as jurors in the county or superior courts; and that after serving seven years in said company they shall thereafter be exempt from military duty except in cases of invasion or insurrection.

SEC. 3. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview [of this act] be and the same are hereby repealed; and that this act shall go into effect from and after its ratification. [*Ratified the 8th day of January, 1859.*]

Chap. 119. AN ACT TO INCORPORATE THE NEWBERN LIGHT INFANTRY, A VOLUNTEER COMPANY IN THE TOWN OF NEWBERN.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the volunteer company in the town of Newbern commanded by Captain John V. Jordan, be and the same is hereby incorporated and made a body corporate and politic, by the name and style of the "Newbern Light Infantry," and by that name and style shall have succession, and be able and capable to sue and be sued, plead and be impleaded in any court in this State, and may adopt such constitution, by-laws, rules and regulations for their government, as they may deem proper, (not inconsistent with the constitution and laws of the United States or of this State,) and that all fines and amercements imposed and collected by said company shall inure to the use and benefit of said company.

Exempt from
serving on ju-
ries.

SEC. 2. *Be it further enacted*, That the members of said company shall be exempt from serving on juries in the county and superior courts.

Seven years'
service.

SEC. 3. *Be it further enacted*, That whenever any of the members of said company shall have served in said company for the space of seven years, they shall not be liable thereafter to do military duty, except in cases of invasion or insurrection.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed, and that this act shall go into effect from and after its ratification. [*Ratified the 4th day of January, 1859.*]

Exempt from
serving on ju-
ries.

AN ACT TO ENCOURAGE THE FORMATION OF A MILITARY UNIFORM COMPANY IN THE TOWN OF WILMINGTON, N. C. *Chap. 120.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the members of the Wilmington Light Infantry, to the number of sixty-six in all, be and the same are hereby exempted from serving on the juries of New Hanover county.

Exempt from
serving on ju-
ries.

SEC. 2. *Be it further enacted*, That the captain of said company shall, on the Saturday preceding each court in said county, furnish the chairman of the county court with the names of the persons entitled to the benefit of such exemption.

Captain to fur-
nish list.

SEC. 3. *Be it further enacted*, That this act and the certificate provided for in the 2d section may be given in evidence in any proceedings thereon in any court in said county, and shall be in force for the space of five years, unless said company shall disband or fall below at least thirty effective members. [*Ratified the 16th day of February, 1859.*]

MINING COMPANIES.

AN ACT TO INCORPORATE THE BUCKHORN IRON COMPANY. *Chap. 121.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Armand J. DeRosset, Jr., Robert T. Brown, William McClane, John Potts Brown and William A. Wright, or a majority of them, their associates, successors and assigns are hereby created, and constituted,

Body politic.

and declared to be a body politic and corporate, by the name of "The Buckhorn Iron Company," and as such body politic and corporate, and by said name may sue and be sued, appear, prosecute and defend to final judgment and execution in any courts, or elsewhere, may adopt and alter a common seal, may appoint and remove, in such manner as they shall determine to be proper, all necessary officers, and define their duties and obligations, and may make all such by-laws and regulations for their own government and for the due and orderly conducting of their affairs, and the management of their property, as may not be inconsistent with the present existing laws of the State.

Rights, powers
&c.

SEC. 2. *Be it further enacted*, That said corporation shall have, use and enjoy all the rights, powers and privileges required, or which said corporation may deem expedient, for the exploring, opening and working of any mine or mines belonging to said corporation in fee simple, or for a term of years, for smelting and manufacturing iron, or any other minerals, for transporting to any market or other place in vessels, steamboats, flats or other boats, or any other vehicles, whether the same be the property of said corporation or otherwise, any coal, iron, or any other mineral, or any other article or production, whether such minerals, or other articles be in their natural or manufactured state; and shall further have the right and power to purchase and hold, sell, transfer and convey all property and estate, whether real, personal or mixed, as may be required, or as said corporation may deem expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payment of its debts, or of advances of money to its use.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of shares, the par value of the whole of which shall not exceed two hundred and fifty thousand dollars, the number and the value of which shares to be fixed and regulated by the persons named in the first section of this act, and their associates, or a majority of them; and the stock of said corporation shall be considered personal estate, and be transferable as the by-laws of said corporation may direct; and at all meetings of the

stockholders each stockholder shall be entitled to one vote, either in person or by proxy, for each share held by him.

SEC. 4. *Be it further enacted*, That the affairs of said corporation shall be managed by a board of directors of not less than three nor more than seven, as the stockholders may determine, which board of directors shall be chosen annually by the stockholders, and said directors shall choose one of their number to be president. In the event, however, at any time, that an election of the directors of said corporation shall not be made at the time appointed therefor, or in any year, the said corporation shall not for that reason be dissolved, but it shall be lawful, at any other time, to hold an election for such directors as the by-laws may prescribe; and upon failure to make such election at the time appointed for the same, the directors then in office shall continue in office until another election is made, and all their acts shall be valid until their successors shall be elected.

Affairs, how
managed.

SEC. 5. *Be it further enacted*, That one of the directors shall always be a resident of this State.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for ninety years. [*Ratified the 7th day of January, 1859.*]

AN ACT TO INCORPORATE THE BINGHAM COAL MINING COMPANY. Chap. 122.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That N. W. Woodfin, Thos. McKnight, John Moore, Elias Bryan and R. H. Smith or a majority of them and their associates, successors and assigns be and they are hereby constituted a body corporate and politic, under the name and style of "the Bingham Coal Mining Company," and as such shall have succession, and may have and use a common seal and change the same at pleasure, and shall be capable to sue and be sued, to plead and be impleaded in any court of law or equity, and may also have, use, exercise and enjoy all the powers and privileges

Body politic.

necessary for the opening and working of mines, for the smelting and manufacturing of ores, and for transporting their coal ores or minerals to market, and of buying, holding, selling and conveying mines, and shall also have power to purchase and hold, to sell and convey all such property, real, personal and mixed, as they may require for the purposes aforesaid; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company: *Provided*, They be not repugnant to the constitution and laws of North-Carolina and of the United States.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into shares of ten dollars each, and the said corporation shall have power to increase their capital stock to one million of dollars whenever they shall deem it advisable, and the lands, mines, machinery and other property of any of the said company shall constitute a part of the capital stock at such prices as may be agreed on by the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money on the other.

Subscriptions.

SEC. 3. *Be it further enacted*, That the subscription of the said capital stock shall be made at such times and places and in such manner as the said N. W. Woodfin, Thomas McKnight, John Moore, Elias Bryan and R. H. Smith or a majority of them shall designate, and the stockholders shall be entitled at all their meetings to one vote for each share of stock so held in person or by proxy, and the shares of said stock shall be assignable and transferable in such manner as shall be provided for by the by-laws of said company, and shall be considered as personal property.

Affairs, how managed.

SEC. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of directors who shall be chosen annually by the stockholders; which board shall choose one of their number to be president, and the directors so chosen shall serve for one year and until successors are chosen, according to the rules and regulations to be provided for by the by-laws of the corporation, and until

the first election of directors shall be held, the said N. W. Woodfin, Thomas McKnight, John Moore, Elias Bryan and R. H. Smith shall have full power and authority to exercise all the corporate powers of the company, and the president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of said company under such regulations as the by-laws of the said company may direct or authorize, and in case of any vacancy in the presidency or board of directors of said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to the said corporation any banking privileges or any right to issue notes payable to bearer for circulation as bank notes, or to exempt the lands or other property of the corporation from the usual taxation. No banking privileges.

SEC. 6. *Be it further enacted*, That this act shall be in force for sixty years from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE NORTH-CAROLINA COAL AND IRON OIL COMPANY. Chap. 123.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Jonathan Worth, Henry E. Colton, Archibald McLean and W. McL. McKay, and such others as they may associate with them, be and they are hereby constituted a body corporate and politic by the name and style of the North-Carolina Coal and Iron Oil Company for the purpose of manufacturing, refining and selling coal or kerosene oil and bengole or mineral tar; and as such shall have power to purchase and hold such property, real, personal and mixed as may be required for the aforesaid purposes, and may exercise and enjoy all the privileges and powers incident to mining and smelting companies in general. Body politic.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, with the privi- Capital stock.

ege of increasing the same to one hundred thousand dollars, and whenever the sum of twenty-five hundred dollars shall be subscribed the said company shall be a body corporate and politic within the meaning and purview of this act.

Books of subscription, &c.

SEC. 3. *Be it further enacted*, That the said H. E. Colton, Arch. McLean, W. McL. McKay and Jonathan Worth may open books of subscription to the capital stock of said company in shares of fifty dollars each, and the shares of said capital stock may be transferred and assigned on the books of said company in such manner as may be provided for in the by-laws of said company.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its ratification, and continue in force for a term of sixty years. [*Ratified the 16th day of February, 1859.*]

Chap. 124. AN ACT TO INCORPORATE "THE SAPANA COAL AND IRON COMPANY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Frederick J. Hill, Gilbert Potter, Armand J. DeRosset, Jr., James Moore, John Potts Brown, John A. Moore, Robert F. Brown and Frederick C. Hill, or a majority of them, their associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name of the Sapana Coal and Iron Company.

Rights, powers &c.

SEC. 2. *Be it further enacted*, That said corporation shall have, use and enjoy all the rights, powers and privileges required for the opening and working of any mine or mines belonging to said corporation, either in fee simple or for a term of years, for manufacturing iron or any other minerals, for transporting to any market or other place in vessels, steamboats, flats or other boats, or any other vehicles, whether the same be the property of said corporation or otherwise, any coal, iron or any other mineral, or any other article or production whatsoever, whether such mineral or other articles be in their natural or manufactured state, and

shall further have the right and power to purchase and hold, sell, transfer and convey all property and estate, real or personal, as may be required or as said corporation may deem expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payment of its debts or of advances of money for its use.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall consist of shares, the par value of the whole of which shall not exceed five hundred thousand dollars, the number and the value of which shares to be fixed and regulated by the persons named in the first section of this act, and their associates, or a majority of them; and the stock of said company shall be considered personal estate, and be transferable as the by-laws of said company may direct; and at all meetings of the stockholders of said company, each stockholder shall be entitled to one vote, either in person or by proxy, for each share held by him.

SEC. 4. *Be it further enacted*, That the affairs of said corporation shall be managed by a board of directors, one of whom shall reside in this State, of not less than three nor more than seven, as the stockholders may determine, which board of directors shall be chosen annually by the stockholders, and said directors shall choose one of their number to be president. In the event, however, at any time, that an election of the directors of said corporation shall not be made [at] the time appointed therefor in any year, the said corporation shall not thereby be dissolved, but it shall be lawful at any other time to hold an election for such directors as the by-laws may provide, and upon failure to make such election at the time appointed for the same, the directors then in office shall continue in office until another election is made, and all their acts shall be valid until their successors shall be elected.

SEC. 5. *Be it further enacted*, That the rights, powers and privileges hereby granted shall be enjoyed and exercised by said corporation for the term of sixty years, and this act shall be in force and take effect from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 125. AN ACT TO INCORPORATE THE PHOENIX MINING COMPANY IN THE COUNTY OF GUILFORD.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Cyrus P. Mendenhall, P. Adams, F. A. Garratt, Hiram C. Worth, James M. Garratt, Michael S. Sherwood, E. T. Garratt, and their associates, successors and assigns be, and they are hereby created and constituted a body politic and corporate, by the name and style and title of the "Phoenix Mining Company," in the county of Guilford, for the purpose of working, mining and exploring for gold, copper and all other metals, minerals and ores, and for mining, smelting, working and vending the same, and may also purchase, hold, sell, mortgage, bond or convey, real or personal property or estate with a capital not to exceed one million of dollars.

Shares.

SEC. 2. *Be it further enacted,* That said corporation may divide their stock into shares of not less than five dollars, and one of its directors shall be a resident of the State of North-Carolina.

To continue
sixty years.

SEC. 3. *Be it further enacted,* That the corporation shall exist for sixty years; and this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

Chap. 126. AN ACT TO INCORPORATE THE LIZZARDDALE COPPER COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That James Sloan, William Halsey and Burr Higgins and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name and style and title of the Lizzarddale Copper Company, for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, and in

all suits and actions, contract and be contracted with, and may have and use a common seal, and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metals or chemicals, and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate with a capital not to exceed one million of dollars.

SEC. 2. *Be it further enacted*, That the said corporation Shares, &c. may divide their stock into such number of shares and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits, and sell delinquent shares in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for How managed. the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act is granted; but the stockholders shall have the right to elect said directors annually, one of whom shall be an actual resident of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for President, secretary, &c. the aforesaid James Sloan, Halsey and Higgins to manage the affairs of said corporation as directors until others are elected or appointed, shall meet and organize by choosing from their own body a president and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for sixty years and this act shall be in force from its passage. [*Ratified the 16th day of February, 1859.*]

Chap. 127. AN ACT TO INCORPORATE THE CAMBRIDGE COPPER COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That James Sloan, James Fitz James, William Halsey and Burr Higgins, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, and style, and title of the "Cambridge Copper Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, in all suits and actions, may have a common seal and the same may alter at pleasure, and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations, and may also purchase, hold and convey any real and personal property or estate, as capital stock, to the amount of one million of dollars.

Shares, &c.

SEC. 2. *Be it further enacted,* That the said corporation may divide their stock into such a number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, in such manner as the by-laws may direct; and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of stockholders; and also said corporation shall have power to enact and pass all such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

How managed.

SEC. 3. *Be it further enacted,* That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and also to exercise all such rights as by this act are conferred and granted, but the stockholders shall have the right to

elect said directors annually, one of whom shall be an actual resident of this State.

SEC. 4. *Be it further enacted*, That the aforesaid James Sloan, William Halsey, James Fitz James and Burr Higgins, shall manage the affairs of said corporation as directors, until others are elected or appointed, shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business

President, secretary, &c.

SEC. 5. *Be it further enacted*, That this corporation shall exist for sixty years, and this act be in force from its passage. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE "STEWART GOLD MINING COMPANY" OF NORTH-CAROLINA. *Chap. 128.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Eli Stewart, Henry B. Williams, John McDonald, Hugh Downing, Marshall Hill, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of "The Stewart Gold Mining Company," and as such shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded, in any court of law or equity, and may also use, exercise and enjoy all the power, privileges and working mines of the company, and shall also have power to purchase and hold all such property, real and personal, and mixed as they may require, for the purposes aforesaid: *Provided*, That the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power for the purpose aforesaid to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company: *Provided*, That they be not repugnant to any laws of this State or of the United States.

Body politic.

Capital stock,
how divided.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares of fifty dollars each, of which the lands, mines and other property of the company shall constitute a part of such price as may be agreed upon between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money on the other part.

Subscriptions.

SEC. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and place, and in such manner as shall be designated by the said corporation; and the shareholders shall be entitled at all meetings of the stockholders to one vote for each share so held in person or by proxy, and the shares of said capital stock shall be assignable or transferable, as may be provided for by the by-laws of said company, and shall be considered as personal property.

Affairs, how
managed.

SEC. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president, and the president and directors so chosen shall serve for one year, and until others shall be elected, as shall be provided by the by-laws of the corporation, and until the first election of directors shall be held, and the said Eli Stewart, Henry B. Williams, John McDonald, Hugh Downing and Marshal Hill, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the said president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such regulations as may be given them by the by-laws of the said company, and in case of any vacancy occurring in the presidency or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter, and that one of the directors shall reside in this State.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE BALTIMORE AND MONTGOMERY *Chap. 129.*
MINING COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.;
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That Jas. Sloan, W. S. Rayner and N.
Popplein, and their associates, successors and assigns, are
hereby created and constituted a body politic and corpo-
rate, by the name and style and title of the "Baltimore
and Montgomery Mining Company," for the purpose of
working, mining and exploring for gold, copper and all
other metals and minerals, and for mining, vending and
smelting the same, and for working and manufacturing the
same, and by that name may sue and be sued, plead and
be impleaded, appear, prosecute and defend in any court of
law or equity whatsoever, and in all suits and actions, con-
tract and be contracted with, and may have and use a com-
mon seal, and the same alter at pleasure, and may enjoy all
the rights and privileges and powers necessary or incident
to mining, smelting and manufacturing and vending metals
or chemicals, and may also purchase, hold, sell, mortgage,
bond or convey real and personal property or estate, with
a capital not exceeding one million of dollars.

SEC. 2. *Be it further enacted,* That the said corporation May divide
stock, &c.
may divide their stock into such number of shares, and pro-
vide for the sale and transfer thereof in such manner and
form, as said corporation shall from time to time deem ex-
pedient, and may levy and collect assessments, forfeit and
sell delinquent shares in such manner as the by-laws may
direct, and issue script for shares of stock; and each share
shall entitle the holder to one vote in meetings of stockhold-
ers; and also said corporation shall have power to enact
such by-laws and regulations as they may deem proper and
necessary, not repugnant to the laws of this State and of the
United States.

SEC. 3. *Be it further enacted,* That it shall be lawful for How managed.
the corporation to be managed by three or five directors,
who shall have power to fill vacancies in their own number,
pass and enact and amend by-laws, and shall continue in
office until others are regularly elected or appointed, and

also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, one of whom shall be an actual resident of this State.

Directors.

SEC. 4. *Be it further enacted*, That it shall be lawful for the aforesaid James Sloan, Wm. S. Rayner and Nicholas Popplein to manage the affairs of said corporation as directors until others are elected or appointed. They shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for sixty years, and this act shall be in force from its passage. [*Ratified the 15th day of February, 1859.*]

Chap. 130. AN ACT TO INCORPORATE THE "WAY-YEHUTTA MINING AND MANUFACTURING COMPANY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Daniel Davis, Robert Maxwell, Jr., J. L. Franklin, Thos. D. Bulotte, William Johnston, Robert V. Welch, John B. Allison, or a majority of them, their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name, style and title of "the Way-ye hutta Mining and Manufacturing Company," for the purpose of exploring for copper, lead, iron and other metals or minerals, and for mining, vending, smelting and working the same, and may purchase, hold and convey real and personal estate, to an amount not exceeding five hundred thousand dollars.

Books of record
&c.

SEC. 2. *Be it further enacted*, That it shall be the duty of the directors of said company, one of whom shall reside in this State, to have regular books of record and transfer, kept by the secretary or treasurer thereof, at all times open to the inspection of stockholders.

SEC. 3. *Be it further enacted*, That the said corporation may use and have all the powers, privileges and immuni-

ties, and be subject to all the restrictions prescribed in the charter entitled "the Buckhorn Iron Manufacturing Company," as passed at the present session of the General Assembly.

SEC. 4. *Be it further enacted*, That this corporation shall exist for fifty years, and this act be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

AN ACT TO INCORPORATE THE SOUTHERN MINING AND MANUFACTURING COMPANY. *Chap. 131.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Daniel D. Davis, Francis F. Oran, Robert Maxwell, Jr., William R. Jones, Samuel E. Mays, Juls. L. Shanklin and Thomas M. Cox, or a majority of them, their successors, associates and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of the "Southern Mining and Manufacturing Company," for the purpose of opening and working mines and manufacturing and smelting ores; said company shall have power to hold and convey all such property as they may require for the purpose aforesaid.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of not less than ten dollars each, and the said corporation shall have power to increase their capital stock to one million of dollars whenever they shall deem it advisable, and the lands, mines, machinery and other property of any of the said company shall constitute a part of the capital stock, at such prices as may be agreed on by the owners thereof, on the one part, and those who may associate with them and constitute the aforesaid corporation, by subscribing for stock payable in money, on the other part.

SEC. 3. *Be it further enacted*, That this act shall not be so construed as to give the said company any banking privileges, or any right to issue notes payable to bearer for

circulation as bank notes, or to exempt the lands and other property of the corporation from taxation.

Books of record
&c.

SEC. 4. *Be it further enacted*, That it shall be the duty of the said directors of the said company to have regular books of record and transfer, kept by the secretary or treasurer thereof, at all times open to the inspection of stockholders.

Privileges, &c.

SEC. 5. *Be it further enacted*, That the said corporation may use and have all the privileges, powers and immunities, and be subject to all the restrictions prescribed in the charter entitled the Buckhorn Iron Manufacturing Company, passed at the present session of [the] General Assembly.

To continue 50
years.

SEC. 6. *Be it further enacted*, That this act shall continue in force for a term of fifty years, and be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 132. AN ACT TO INCORPORATE THE "COWEE MINING AND MANUFACTURING COMPANY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Daniel D. Davis, W. R. Jones, Francis F. Oram, Thos. M. Cox, Samuel E. Mays, Robt. Maxwell, jr., and John Bowen, or a majority of them, their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Cowee Mining and Manufacturing Company," for the purpose of exploring for copper, lead, gold, iron and other metals or minerals, and for mining, vending, smelting and working the same, and may hold and convey real and personal estate to an amount not exceeding five hundred thousand dollars.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares not less than ten dollars.

SEC. 3. *Be it further enacted*, That it shall be the duty of the directors of said company, one of whom shall reside

continually in this State, to have regular books of record and transfer, kept by the secretary or treasurer thereof at all times open to the inspection of stockholders. Books of record &c.

SEC. 4. *Be it further enacted*, That this corporation shall exist for fifty years, and that the private property of the corporation shall be responsible for all debts of the corporation. To continue 50 years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the — day of —, 1859.*]

AN ACT TO INCORPORATE THE “ALAMANCE MINING AND MANUFACTURING COMPANY.” Chap. 133.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That M. O. Waddell, Henry B. Elliott, James Sloan, N. W. Woodfin and Thos. McKnight, or a majority of them, and their successors, associates and assigns be and they are hereby constituted a body corporate and politic, under the name and style of “the Alamance Mining and Manufacturing Company,” and as such shall have succession, and may have and use a common seal, and change the same at pleasure, and shall be capable to sue and be sued, plead and be impleaded in any court of law and equity, and may also have, use, exercise and enjoy all the powers and privileges necessary for the opening and working of mines and manufacturing and smelting the ores of the company, and of buying, holding and selling mines, and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid, and the said company shall have power for the purposes aforesaid to make such by-laws, rules and regulations as may be necessary, which shall be binding on the company: *Provided*, They be not repugnant to the constitution and laws of North-Carolina, and of the United States. Body politic.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to Capital stock.

be divided into shares of ten dollars each, and the said corporation shall have power to increase their capital stock to one million of dollars whenever they shall deem it advisable, and the lands, mines, machinery, and other property of any of the said company, shall constitute a part of the capital stock at such prices as may be agreed on by the owners thereof on the one part, and those who associate with them and constitute the aforesaid corporation by subscribing for stock payable in money on the other.

Subscriptions.

SEC. 3. *Be it further enacted*, That the subscription to the said capital stock shall be made, at such times and places and in such manner as the said M. O. Waddell, Henry B. Elliott, James Sloan, N. W. Woodfin and Thomas McKnight, or a majority of them shall designate, and the stockholders shall be entitled at all their meetings to one vote for each share of stock so held in person or by proxy; and the shares of said stock shall be assignable and transferable in such manner as shall be provided by the by-laws of said company, and shall be considered as personal property.

Affairs, how managed.

SEC. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders; which board shall choose one of their number to be president, and the president and directors so chosen shall serve for one year, and until their successors are chosen, as shall be provided for in the by-laws of the corporation and until the first election of directors shall be held the said M. O. Waddell, Henry B. Elliott, James Sloan, N. W. Woodfin and Thomas McKnight, or a majority of them, shall have full power and authority to exercise all the corporate powers of the company, and the president and directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of said company, under such regulations as the by-laws of said company may direct or authorize, and in case of any vacancy in the presidency or board of directors of said company, the remaining directors shall have power to fill such vacancies until the next general election thereafter.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to the said company any banking privileges, or any right to issue notes payable to bearer, for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation. No banking powers.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification, and for a term of sixty years. To continue 60 years.
[Ratified the 15th day of February, 1859.]

AN ACT TO INCORPORATE THE POTOSI MINING AND MANUFACTURING COMPANY. Chap. 134.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That D. D. Davis, R. Maxwell, jr., J. S. Shanklin, Thomas D. Bellotte and William R. Jones, or a majority of them, their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name and style of "The Potosi Mining and Manufacturing Company," for the purpose of opening and working mines and manufacturing and smelting ores, and said corporation shall have the power to hold and convey all such property, real or personal or mixed as they may require for the purposes aforesaid, not exceeding five hundred thousand dollars. Body politic.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of not less than ten dollars each, and the said corporation shall have power to increase their capital stock to five hundred thousand dollars whenever they shall deem it advisable, and the lands, mines, machinery and other property of any of the said company shall constitute a part of the capital stock at such prices as may be agreed on by the owners thereof on the one part, and those who may associate with them, and constitute the aforesaid corporation, by subscribing for stock, payable in money on the other part. Capital stock.

SEC. 3. *Be it further enacted*, That the said corporation may use and have all the powers, privileges and immunities, Powers, &c.

and be subject to all the restrictions prescribed in the charter entitled the Buckhorn Iron Manufacturing Company.

SEC. 4. *Be it further enacted*, That this act shall continue in force for a term of fifty years, and be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

Chap. 135. AN ACT TO INCORPORATE THE MONTGOMERY MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That J. M. Crump, L. D. Goddard, and their associates, successors and assigns, or a majority of them, be and they are hereby constituted a body corporate and politic by the name and style of "The Montgomery Mining Company," for the purpose of mining for gold and other minerals, and as such shall have succession, and may have and use a common seal, and change the same at pleasure, and shall be capable to sue and be sued, plead and be impleaded in any court of law and equity; and may also have, use, exercise and enjoy all the powers and privileges proper and necessary for the opening and working of mines, and of having and selling mines; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid. And the said company shall have power for the purpose aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company: *Provided*, They be not repugnant to the laws and constitution of North-Carolina or of the United States.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and the said corporation shall have power to increase their capital stock to five hundred thousand dollars whenever they shall deem it advisable; and the lands, mines, machinery and other property of any of the said company shall constitute a part of the capital stock at such prices as may be agreed on by the owners thereof, on the one part, and those who may asso-

ciate with them, and constitute the aforesaid corporation by subscribing for stock payable in money, on the other part.

SEC. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and places and in such manner as the said J. M. Crump, L. D. Goddard, or a majority of them shall designate; and the stockholders shall be entitled, at all their meetings, to one vote for each share of stock so held, in person or by proxy, and the shares of said capital stock shall be assignable and transferable in such manner as shall be provided by the by-laws of said company, and shall be considered as personal property. Subscriptions.

SEC. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of three directors, one of whom shall always be a resident citizen of the State who shall be chosen annually by the stockholders, which board shall choose one of their number to be president, and the president and directors so chosen shall serve for one year, and until others are chosen, as shall be provided for in the by-laws of the corporation, and until the first election of directors shall be held, the said J. M. Crump, S. D. Goddard, or a majority of them, shall have full power and authority to exercise all the corporate powers of the company, and the president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company under such powers as may be given by the by-laws of said company; and in case of any vacancy in the presidency or board of directors of said company the remaining directors shall have power to fill such vacancy until the next general election thereafter. Affairs, how managed.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to the said company any banking privileges, or any right to issue notes "payable to bearer" for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation. No banking powers.

SEC. 6. *Be it further enacted*, That this [act] shall continue in force for a term of thirty years, and be in force from and after its ratification. To continue 30 years.
[Ratified the — day of —, 1859.]

Chap. 136. AN ACT TO INCORPORATE THE PORTIS GOLD MINING COMPANY,
IN THE COUNTY OF FRANKLIN.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That James Sloan, Thos. K. Thomas, Elis Malone, James H. Yarbrough and Charles H. Thomas and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name, style and title of the "Portis Gold Mining Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and may also purchase, hold, sell, mortgage, bond or convey real or personal property or estate, with a capital not to exceed one million dollars.

Shares.

SEC. 2. *Be it further enacted,* That said corporation may divide their stock into shares of not less than fifty dollars, and one of its directors shall be a resident of the State of North-Carolina.

To continue 30
years.

SEC. 3. *Be it further enacted,* That this corporation shall exist for sixty years, and this act shall be in force from its passage. [*Ratified the — day of —, 1859.*]

Chap. 137. AN ACT TO INCORPORATE THE CHRISTIAN GOLD MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Samuel H. Christian, Calvin W. Wooley, John H. Montgomery, and William McRae, and their associates, be and they are hereby constituted a body politic and corporate, under the name and style of "The Christian Gold Mining Company."

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not be less than three hundred thousand dollars, and shall not exceed one million of dollars, and shall be divided into shares of ten dollars each.

Rights, &c.

SEC. 3. *Be it further enacted,* That the said Christian Gold Mining Company shall be entitled to all the rights,

privileges and immunities, and subject to all the restrictions contained in chapter 26, Revised Code, entitled Corporations.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

AN ACT TO INCORPORATE “THE NORTH STATE COPPER AND GOLD MINING COMPANY.” *Chap. 138.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William Scott, Levi Scott, W. J. McConnell, Jno. S. Donnell, George C. Irvine and P. H. Sullivan, and their associates, successors and assigns, be and they are hereby created and constituted a body corporate and politic by the name and style of the “North State Copper and Gold Mining Company,” and as such shall have perpetual succession, and may have and use a common seal, and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations (not inconsistent with the laws and constitution of this State) as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and shall also have the power to purchase, lease, hold, dispose of and convey any estates, real, personal or mixed: *Provided*, That the said company shall at no time hold more than five thousand acres of land.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be divided in such number of shares, and of such amount for each share, as the stockholders thereof may in general meeting direct: *Provided*, That the capital stock shall not exceed one million of dollars, which shares shall be considered as personal property, and certificates therefor may be issued, and the same be made transferable

and assignable, and liable to assessment, forfeiture and sale, by the board of directors in such manner as the by-laws of the corporation shall prescribe.

Affairs, how
managed.

SEC. 3. *Be it further enacted*, That the affairs of the said company shall be managed by a board of directors, one at least of whom shall be a citizen of this State, who must be stockholders, composed of such number, and elected by the stockholders in such manner as the by-laws shall direct; and they shall choose one of their number to be president of the board of the company; three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be made by the stockholders, the said William Scott, Levi Scott, W. J. McConnell, John S. Donnell, George C. Irvine and P. H. Sullivan shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings of
stockholders.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe; to constitute a meeting there must be present, in person or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, each share of which shall entitle the holder to one vote; and every act shall require the sanction of a majority of the votes which may be present.

No banking
powers.

SEC. 5. *Be it further enacted*, That this act shall not be construed so as to give to the said company any banking privileges, or any rights to issue notes payable to bearer or order for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation.

To continue 30
years.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [Ratified the 26th day of January, 1859.]

AN ACT TO INCORPORATE THE COPPER HILL MINING COMPANY. *Chap. 139.*

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Jonathan W. Field, Franklin Mason, Jesse Shelly, S. S. Clayton, P. H. Sullivan and their associates, successors and assigns be and they are hereby created and constituted a body corporate and politic, by the name and style of the "Copper Hill Mining Company," and as such shall have perpetual succession, and may have and use a common seal and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations (not inconsistent with the laws and constitution of this State) as may be deemed necessary for the government of the said company, which shall be binding thereon, and shall have, exercise and enjoy all the rights and privileges of a body corporate necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products, and shall also have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed: *Provided,* That the said company shall at no time hold more than two thousand acres of land.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company may be divided into such number of shares, and of such amount for each share as the stockholders thereof may in general meetings direct: *Provided,* That the capital stock shall not exceed one million of dollars, which shares shall be considered as personal property, and certificates therefor may be issued and the same made transferable and assignable and liable to assessment, forfeiture and sale by the board of directors in such manner as the by-laws of the corporation shall prescribe.

Affairs, how managed.

SEC. 3. *Be it further enacted,* That the affairs of said company shall be managed by a board of directors, one at least of whom shall be a citizen of this State, who must be stockholders, composed of such number and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of

the board and of [the] company; three of the board of directors shall be a quorum to transact business, of whom the president or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said Jonathan W. Field, Franklin Mason, Jesse Shelly, S. S. Clayton and P. H. Sullivan shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe; to constitute a meeting three must be present in person or by proxy, (the proxy being a stockholder) those who hold a majority of the stock, each share of which shall entitle the holder to one vote; and every act shall require the sanction of a majority of the votes which may be present.

No banking powers.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to the said company any banking privileges or any rights to issue notes payable to order or bearer for circulation as banks notes, or to exempt the lands and other property of the corporation from taxation.

To continue 30 years.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 26th day of January, 1859.*]

Chap. 140. AN ACT TO INCORPORATE THE GUILFORD COPPER AND GOLD MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Franklin Mason, John S. Donnell, S. G. Coffin, William Reece, George C. Irwin, and their associates, successors and assigns, be and they are hereby created and constituted a body corporate and politic, by the name and style of the "Guilford Copper and Gold Mining Company," and as such shall have perpetual succession, and

may have and use a common seal and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity; have power to make all such by-laws and regulations, not inconsistent with the laws and constitution of this State, as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and shall also have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed: *Provided*, That the said company shall at no time hold more than two thousand acres of land.

SEC. 2. *Be it further enacted*, That the capital stock of Capital stock. said company may be divided into such number of shares, and of such amount for each share, as the stockholders thereof may in general meeting direct: *Provided*, That the capital stock shall not exceed one million of dollars; which shares shall be considered as personal property, and certificates therefor may be issued, and the same be made transferrable and assignable, and liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe.

SEC. 3. *Be it further enacted*, That the affairs of the said Affairs, how managed. company shall be managed by a board of directors, (one at least of whom shall be a citizen of this State,) who must be stockholders, composed of such number and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board and of the company. Three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body; and until the first election of directors shall be held by the stockholders, the said Franklin Mason, John S. Donnell, S. G. Coffin, Wm. Reece and George C. Irwin shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe. To constitute a meeting there must be present, in person or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, each share of which shall entitle the holder to one vote and every act shall require the sanction of a majority of the votes which may be present.

No banking powers.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to said company any banking privileges, or any right to issue notes payable to bearer or order, for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation.

To continue 30 years.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 26th day of January, 1859.*]

Chap. 141. AN ACT TO INCORPORATE THE HALSEY MINING AND SMELTING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James Sloan, William Halsey and Burr Higgins, and their associates, successors and assigns are hereby created and constituted a body politic and corporate, by the name, style and title of "The Halsey Mining and Smelting Company," for the purpose of working, mining and exploring for gold, copper, and all other metals and minerals, and for mining, vending, smelting and working the same; and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations, and may also purchase, hold and convey real and personal estate to an amount not exceeding one million of dollars as capital stock.

How managed.

Sec. 2. *Be it further enacted*, That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, and shall continue in office until others are regularly elected

or appointed, and also to exercise all such rights as by this act is conferred and granted; but the stockholders shall have the right to elect said directors annually, one of whom shall be an actual resident of this State.

SEC. 3. *Be it further enacted*, That this corporation shall exist for sixty years, and this act be in force from its passage. To continue 60 years.
[Ratified the — day of February, 1859.]

NAVIGATION.

AN ACT TO PROTECT THE INTEREST OF THE STATE OF NORTH- Chap. 142.
 CAROLINA IN THE CAPE FEAR AND DEEP RIVER NAVIGATION
 COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if a sale of the property and effects of the Cape Fear and Deep River Navigation Company shall take place at any time before the year 1861, the governor or his duly authorized agent is hereby authorized and empowered to bid at his discretion not exceeding the sum of (\$450,000) four hundred and fifty thousand dollars, and should he become the purchaser, he shall take a conveyance therefor to himself and successors in office, which shall vest absolutely in the State of North-Carolina all the property, corporate powers, privileges and franchises of said company. If sale take place, governor authorized to bid.

SEC. 2. *Be it further enacted*, That in the event of a sale and purchase as aforesaid, the governor and board of internal improvements, shall annually appoint four persons properly qualified, and the governor shall be the fifth, which five persons shall constitute a board of managers, who shall have the control and management of the said company, and have the authority to appoint all necessary officers and fix their salaries, and employ all necessary laborers and servants for prosecuting said work, and shall establish and collect such reasonable tolls as they may think proper: *Provided*, The said board shall have no authority to mortgage said works or any part thereof, nor to execute Board of managers.

bonds except for the hire of servants and laborers in pursuance of this act.

\$50,000 per annum.

SEC. 3. *Be it further enacted*, That the board of managers shall be authorized to draw on the treasurer of the State for a sum of not exceeding fifty thousand dollars per annum the next two years and no longer, for the purpose of improving and keeping in repair said work, and for a like purpose shall have authority to use the tolls; and the said board shall draw also for a sum not exceeding sixty-five thousand dollars for the purpose of paying debts of a prior lien to those on which the State is liable, and to meet these demands on the treasurer he shall have authority to issue the six per centum coupon bonds of the State payable at such time and place as the governor may direct.

SEC. 4. *Be it further enacted*, That the State shall not pay to the said company any portion of the sum bid, but after the payment of debts of prior lien, shall reserve the balance for the payment of bonds endorsed by the State and interest paid thereon for said company.

Estimate of expenditures, &c.

SEC. 5. *Be it further enacted*, That the governor shall cause an estimate to be made of all expenditures, payments and liability of the State for said company, with interest on each item, including stock, to the 1st day of January, 1860, so as to ascertain all costs, expenditures and liability of the State, which sum so estimated shall constitute a preferred stock for the State, entitled to draw three per centum semi-annually before other stock shall take any dividend, and after other stock takes an equal dividend the remaining profit shall be equally divided with all stock, and if the company shall fail to pay dividends on the preferred stock as aforesaid, it shall remain a charge with interest and priority of lien until the same is paid.

Stock.

SEC. 6. *Be it further enacted*, That any person may subscribe for stock with the consent of the board of managers, and when the same shall be paid for it shall be on terms of equality with the preferred stock of the State.

SEC. 7. *Be it further enacted*, That each stockholder in the Cape Fear and Deep River Navigation Company, shall be entitled to receive from the governor a certificate for the same number of shares of stock as he or she now owns in

said company; also W. H. Morell shall receive stock for labor done or to be done on said work, according to their present contract, up to the day of sale, and each *bona fide* creditor shall be entitled to receive preferred stock for his debt, and each share shall be for one hundred dollars, and there shall be no fractions of shares.

SEC. 8. *Be it further enacted*, That the expenditures authorized under this act, as well for work done by way of improving the property of the company as for the payments of debts of prior lien, shall constitute a part of the preferred stock of the State. Preferred stock

SEC. 9. *Be it further enacted*, That should the creditors holding debts that have a prior lien to those of the State refuse to sell, the governor is hereby authorized at his discretion, and with the consent of the company, to advance a sum sufficient to pay them, or so much of them as may be necessary to enforce a sale, and shall take an assignment thereof to himself for the benefit of the State, after which he shall cause the work to be sold and shall bid for the same as herein before directed, which said sum shall be preferred stock. By consent of the stockholders a sale may be made at thirty days. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AUTHORIZE THE ROANOKE NAVIGATION COMPANY TO DISCONTINUE THE USE OF THEIR CANAL AROUND THE GRAND FALLS OF THE ROANOKE RIVER, AND TO MAKE SALE OF THEIR REAL ESTATE, WATER POWER AND OTHER PRIVILEGES BETWEEN THE TOWNS OF GASTON AND WELDON, IN THE STATE OF NORTH-CAROLINA. Chap. 143.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Roanoke Navigation Company be released and absolved from all obligations to keep in repair, for the purpose of the navigation thereof, their canal around the great falls of the Roanoke river, and the locks on the said canal, the assent of the legislature of Virginia having been previously obtained for that purpose: and, *provided also*, That the stockholders of the company Released.

in general meeting assembled, including the States of North Carolina and Virginia, by their proxies, shall determine that it is expedient to discontinue the use of said canal and locks.

May sell works.

SEC. 2. *Be it further enacted*, That the said company is hereby authorized and empowered (the like consent of the legislature of Virginia having also been obtained) to make sale of all or any part of their real estate, water power and other privileges conferred by their charter between the towns of Gaston and Weldon, in the State of North-Carolina, and to make conveyance thereof to the purchasers: *Provided*, That the stockholders in general meeting assembled including the States of North-Carolina and Virginia, by their proxies, shall determine that it is expedient to sell the same.

Proceeds of sale.

SEC. 3. *Be it further enacted*, That the net proceeds of such sale, if any be made, or so much thereof as may be required for that purpose, shall be applied to the payment of any debts due and owing from the said company, and if there be no such debts, or if there be any balance remaining after their payment, the whole or such balance of the net proceeds of the sale, as the case may be, shall be distributed among the stockholders of said company, including the States of North-Carolina and Virginia, in proportion to the amount of the stock severally held by them at its par value.

Notice to be given.

SEC. 4. *Be it further enacted*, That before the sale of the said canal notice shall be given in three of the newspapers of the State for the space of sixty days, and that the sale shall take place in the town of Weldon; the terms of the sale shall be one-third cash, one-third in six and the other third in twelve months, with interest on the whole from the date of the sale.

SEC. 5. *Be it further enacted*, That if the company do not sell the said canal, they shall be required to keep it in good order, as specified in their present charter, and that they shall keep it in good repair until it is sold.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 7th day of February, 1859.*]

AN ACT TO INCORPORATE THE TYAN COCO SWAMP CANAL COMPANY. *Chap. 144.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body corporate} *State of North-Carolina, and it is hereby enacted by the authority of the same,* That James F. Jenkins, Wright Wiggins, R. H. Garrett, Jo. D. Jenkins, J. C. Knight, Wm. F. Mercer, S. P. Jenkins, A. B. Noble, Robert A. Johnson, George W. Kellebrew, Orren D. Bullock and Willie H. Braswell, and their successors, shall be and the same are hereby declared to be a body corporate under the name of the "Tyan Coco Swamp Canal Company," for the purpose of draining the lands in said swamp between its mouth and the upper line of William F. Mercer, with authority to extend the same higher up the swamp.

SEC. 2. *Be it further enacted,* That the said company ^{Membership, &c.} shall have authority to admit to membership other persons owning land that may be benefitted by said canal, and each member failing to do his duty, as prescribed by the rules and regulations of the company, shall forfeit and pay twenty dollars in addition to his liability to have recovered from him the cost of any work he may fail to do.

SEC. 3. *Be it further enacted,* That every person who shall cut any canal, drain or ditch, nearer than one hundred yards of the canal of the company, shall forfeit and pay the sum of one hundred dollars, unless the same be done under an order of court.

SEC. 4. *Be it further enacted,* That the lands of each member of the company, lying in or on said swamp, shall be liable for all expenses incurred in keeping the canal in repair.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification, subject to be repealed at any time hereafter. [*Ratified the — day of February, 1859.*]

AN ACT TO INCORPORATE THE LAKE LANDING CANAL COMPANY. *Chap. 145.*

WHEREAS, It is essential to the prosperity of the county ^{Preamble.} of Hyde that the waters of Lake Mattamuskeet should be

reduced below their present level; and, whereas, the canal leading from Lake Landing to Wysocking creek, formerly purchased and enlarged by the State, has become partially filled up and inefficient to drain said lake and protect the valuable lands around it from inundation; and, whereas, the navigation of Wysocking creek has become very much obstructed by the deposit of sediment from said lake:

Books to be opened.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful to open books of subscription in Hyde county, at the village of Fairfield, under the direction of David Carter, Joseph Swindell, John M. Mann and Thomas S. Burnes; at Middleton under the direction of E. L. Mann, E. H. Sanderson and Marcus Swindell; at Lake Landing under the direction of Samuel M. Mann, Sanford A. Long, Riley Murray, David S. Gibbs and George A. Selby, or any three of them; at Lake Comfort under the direction of Renben Benson, Geo. W. Swindell and Sylvester McGowan; Swan Quarter under the direction of George V. Credle, Alvin Swindell and Thomas F. Credle, for the purpose of receiving subscription to an amount not exceeding ten thousand dollars, in shares of ten dollars each. The said books shall remain open at each of the above named places for one month; after which time they shall be returned to the said company, with the money received on account of said subscriptions, and the said subscriptions shall be paid to the directors of said company in such instalments as the said directors may require, and in default of such payment, the company may recover by action against the stockholders whatever may remain unpaid.

By-laws, &c.

SEC. 2. *Be it further enacted,* That the said company may make such by-laws and regulations (not contrary to the laws of this State) as they may deem proper for the government and management of the stock, property and business of the company; for the election of a president and five directors, (each of whom shall be a stockholder,) and for the general control and management of the affairs of the company, under such rules and regulations as the company may establish.

SEC. 3. *Be it further enacted*, That such of said subscribers as may pay to the secretary of said company, or other officer authorized to receive the same, the sum of ten dollars, together with such other persons as may hereafter become associated with them, are hereby constituted a body corporate for the purpose of improving said canal and creek, and are hereby invested with all necessary powers for the same so as more effectually to drain said lake, which corporation shall have a common seal, and may sue and be sued, implead and be impleaded, in any court of law or equity in this State, and shall be known under the name and style of "Lake Landing Canal Company."

SEC. 4. *Be it further enacted*, That to aid said company in accomplishing the drainage of said lake and in improving the navigation of Wysocking creek, the State of North-Carolina hereby donates to said company the dredge boat formerly employed on Tar river and now in the custody of R. L. Myers and Doct. Wm. J. Blow, who are hereby authorized to deliver the same to said company. Donates dredge boat.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 2nd day of February, 1859.*]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE FAIRFIELD CANAL COMPANY." Chap. 146.

WHEREAS, The want of a sufficient and permanent channel of navigation between the village of Fairfield and Alligator river, and through said river to Albemarle sound, is a serious injury to the agricultural and commercial interest of the citizens of Hyde and Tyrrell counties; and whereas there is no direct and convenient communication by road between said counties, which now constitute one senatorial district; and whereas it is desirable and necessary to the interest and convenience of the citizens of said counties to establish a direct, safe and easy communication, both by road and canal between said counties; Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the* Body corporate

authority of the same, That the stockholders in the Fairfield Canal Company, together with such other persons as may hereafter become associated with them, are hereby constituted a body corporate, for the purpose of completing the canal aforesaid, so that it shall afford a uniform depth of at least two and a half feet of water, and also for the purpose of constructing a turnpike road on the west bank of said canal, where a public road was formerly laid off, which corporation shall have a common seal, and may sue and be sued, implead and be impleaded in any court of law or equity in this State.

May acquire
lands, &c.

SEC. 2. *Be it further enacted,* That said company may acquire the right and title to any lands that may be necessary for the purposes of said road and canal, in the same manner as the Chesapeake and Albemarle Canal Company are authorized to do, and may hold and employ such machinery, boats and other appliances as their business may require; and the right to construct and complete said canal and said turnpike road is hereby vested in the stockholders aforesaid, and their successors; and said company shall have a corporate existence, and be hereafter known under the name and style of "The Fairfield Canal and Turnpike Company," and said company is hereby invested with all the rights, powers and privileges conferred, and subject to all the rules, restrictions and regulations imposed upon bodies politic and corporate by the Revised Code of North-Carolina, so far as the same are applicable to and not inconsistent with this act.

By-laws, &c.

SEC. 3. *Be it further enacted,* That the said company may make such by-laws and regulations, not contrary to the laws of this State, as they may deem proper for the government and management of the stock, property and business of the company; and in consideration of the heavy expense of constructing and keeping in repair the said canal and the said turnpike road, they may demand and receive such tolls and compensation for the passage and transportation of vessels, merchandise and all articles of commerce through said canal, and for the passage of vehicles of every description, and of all articles of merchandise and commerce over said turnpike road, as they may deem proper.

SEC. 4. *Be it further enacted*, That said company may extend the said turnpike road from the terminus of said canal, on Alligator river, to some convenient point on the public road, in Tyrrell county, under the same rules, regulations and authority as are conveyed to them under the second section of this act. May extend turnpike.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 2nd day of February, 1859.*]

AN ACT TO INCORPORATE THE BEAUFORT STEAM FERRY BOAT *Chap. 147.*
COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thos. Duncan, Benjamin L. Perry, John P. C. Davis, Isaac Ransay, James E. Holland, William B. Duncan, C. R. Thomas, James Rumley and such other persons as now are or may be hereafter associated with them, their successors and assigns shall be and are hereby created, constituted and declared a body corporate and politic by the name and style of the "Beaufort Steam Ferry Boat Company," and by that name they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being [sued,] pleading and being impleaded in all courts whatsoever, and may hold, possess, acquire and enjoy real and personal estate. Body corporate

SEC. 2. *Be it further enacted*, That said company may have a capital stock of ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars if deemed necessary by a majority of the stockholders, in shares of fifty dollars each. Capital stock.

SEC. 3. *Be it further enacted*, That the said company may build, buy, own or employ one or more steamboats for the conveyance of freight and passengers between the town [of] Beaufort and Morehead City, as well also between other points in the county of Carteret. Steamboats.

Towboats.

SEC. 4. *Be it further enacted*, That said company may, a majority in interest of the stockholders concurring, build, buy, own or employ one or more tow boats or dredge boats for the purpose of towing on Beaufort harbor or the adjacent waters, and dredging for the purpose of improving the navigation of said harbor and the waters adjacent.

Town of Beaufort may subscribe.

SEC. 5. *Be it further enacted*, That it shall be lawful for the commissioners of the town of Beaufort to subscribe by their agent for such an amount of stock in said company as they shall be authorized to subscribe by a majority of the votes of said town qualified to vote for commissioners of said town, whose sense of subscribing a proposed amount shall be previously ascertained by opening a poll for that purpose at such times, and on such notice, and in such mode as the commissioners shall direct, and the said commissioners shall have power to negotiate a loan or loans, and issue the bonds of the town as security for the payment of said loan or loans, and shall be authorized to lay a tax on the lands and polls of said town for the payment of said subscription.

Rules, &c.

SEC. 6. *Be it further enacted*, That said company shall have power and authority to make all necessary rules and by-laws for its government, and to provide for the appointment of its officers, the mode of transfer and representation of stock, and all other matters necessary for the conduct of their business.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 148. AN ACT TO INCORPORATE THE "OLD TOPSAIL STEAMBOAT AND NAVIGATION COMPANY."

Capital.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a company by the name and style of "The Old Topsail Steamboat and Navigation Company," shall be incorporated, with a capital of five hundred thousand dollars, for the purpose of the transportation of produce, goods, wares, merchandise and all other articles and

things from the city of Morehead, in this State, to any other port, by steamboats or sail vessels.

SEC. 2. *Be it further enacted*, That for the purpose of raising the capital stock of said company, Michael F. Arendell, Isaac Ramsey, Thomas Duncan, Peter G. Evans, Bridges Arendell and John M. Morehead, or any three of them, are hereby authorized and empowered as commissioners to open books for subscription to the said capital stock, and as soon as the sum of fifty thousand dollars shall be subscribed, in shares of one hundred dollars each, and five per cent. thereon be paid in to said commissioners, the said subscribers shall be and are hereby incorporated by the name and style aforesaid, with all the rights, powers, prerogatives and privileges to which corporations are entitled by virtue of chapter twenty-six, entitled Corporations, of the Revised Code of North-Carolina. [*Ratified the 16th day of February, 1859.*]

Books to be opened.

AN ACT TO INCORPORATE THE WHITE OAK RIVER NAVIGATION COMPANY. *Chap. 149.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of effecting a more certain navigation of White Oak river between the town of Swansboro' and Job Smith's plantation in the county of Onslow, the formation of a corporate company with a capital stock of thirty thousand dollars, in shares of one hundred dollars each, is hereby authorized to be called the "White Oak River Navigation Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for thirty years.

Capital stock.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, it shall be lawful to open books for subscription thereto, in the town of Swansboro' under the direction of Edward W. Matticks, Daniel A. Harget, W. J. Gibson, and at the town of Pollocksville under the direction of Roscoe Barnes, Joshua D.

Books to be opened.

Hasket and Jesse D. Hines or any two of them; that said books shall be opened and the said subscription made under the general directions of the following named commissions, viz: Edward W. Matticks, D. W. Sanders, Calvin Martin, Joseph K. Smith, Job Smith, Richard Oldfield and C. D. Foy, whose duty it shall be to direct the opening of books for the subscription of stock at such times and under the directions of such persons as they or a majority [of them] may deem proper, and the said commissioners shall have power to appoint a chairman of their body, a treasurer and all other officers, and sue for and recover all sums of money that ought under this act to be recovered by them.

To advertise.

SEC. 3. *Be it further enacted*, That the time and place of receiving subscription shall be advertised in one or more newspapers published in the town of Newberne, and also printed notices shall be put up in some conspicuous place in the towns of Pollocksville and Swansboro', and the books for receiving the same shall not be closed in less than thirty days.

Body corporate

SEC. 4. *Be it further enacted*, That when fifty shares of said capital shall be subscribed for in the manner aforesaid, the subscribers, their executors, administrators and assigns shall be and they are hereby declared to be a body corporate of the name and style of the "White Oak River Navigation Company," and by that name shall be capable in law of purchasing and holding, selling, leasing and conveying estate, real, personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned and no farther, and shall have a corporate existence for thirty years, and by said corporate name may sue and be sued, and may have and use a common seal and shall have and enjoy and may exercise all rights, powers and privileges of a body corporate for the purposes of this act, and may make and adopt all rules, regulations and by-laws for the government of the officers of said company, not inconsistent with the laws of this State [and] of the United States.

Subscriptions.

SEC. 5. *Be it further enacted*, That upon every subscription of stock aforesaid, there shall be paid at the time of subscription the sum of two dollars on every share subscribed for to said commissioners or their agents, and the

residue of said subscription shall be paid in such instalments and at such time as may be required by the president and directors of said company. The said commissioners shall forthwith, after the first election of president and directors of said company, pay over to said president and directors all moneys received by them, and on failure thereof the said president and directors may recover the amount due by them, or from any one or more of them on ten days' previous notice, in the courts of pleas and quarter sessions or the superior court of law in any county where such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of said county.

SEC. 6. *Be it further enacted*, That when fifty shares or more of the stock shall have been subscribed, public notice of that event shall be given by three or more of the said commissioners in a newspaper published in the town of Newberne, and the said commissioners shall then call a general meeting of the subscribers to be held in Swansboro' at such time as they may designate; that a majority of the number of shares subscribed for be represented either in person or by proxy shall constitute said meeting, and the said meeting may adjourn from day to day until said majority is present.

Notice of subscriptions.

SEC. 7. *Be it further enacted*, That the subscribers at their general meeting before directed and the proprietors of stock at every annual meeting thereafter, shall elect six directors, and the said directors from their number shall elect a president, which president and directors shall continue in office until the next annual meeting after their election and until their successors shall be appointed. The president with any two or more of the directors, or in the event of sickness, absence or disability of the president, any three or more of the directors who may appoint one of their own body president *pro tempore*, shall constitute a board for the transaction of business; in case of vacancy in the office of president or any director, happening from death, resignation or otherwise, such vacancy may be supplied by appointment of the board until the next annual meeting.

Directors to be elected.

SEC. 8. *Be it further enacted*, That the president and directors of said company shall be, and they are hereby in-

Rights, &c.

vested with all the rights and powers necessary to construct, build, continue and repair locks and dams, canal sluices, and all other works of whatever kind or nature soever which may be necessary and expedient to secure and improve the navigation of said "White Oak River," and for the proper completion of the works contemplated by this act.

Power to contract.

SEC. 9. *Be it further enacted*, That the said president and directors shall have power, on behalf of the company, to contract with any person or persons for constructing said works and continuing and repairing the same which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money on their respective shares as the wants of the company may demand until said subscriptions are paid in full; at any time to call a general meeting of the subscribers when necessary by giving one month notice thereof in one or more newspapers printed in the town of Newbern, or by printed notices at Swansboro' and Pollocksville, to appoint a treasurer, not of said board, but of the number of said corporation, clerk and such other officers as they may require, and to transact the business of the company during the intervals of the meeting of the stockholders.

Failure to pay instalments.

SEC. 10. *Be it further enacted*, That if any stockholder shall fail to pay the instalment or instalments required of him by the president and directors within one month after the same shall have been advertised as aforesaid in section 9, it shall and may be lawful for the president and directors or a majority of them to sell at public auction, on a previous notice of twenty days, for cash all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale, and if said sale of stock does not produce enough to pay off the expenses of the sale and entire amount due by such stockholder to said company for such subscription of stock, then the president and directors may recover the balance of the original proprietor or his assignee, or the executors or administrators or either of them by suit in any court of record having jurisdiction thereof, or by warrant before a justice of the county of which he is a resident; and any purchaser of the stock of the company under such sale by the president and directors

shall be subject to the same rules and regulations as the original proprietor.

SEC. 11. *Be it further enacted*, That the said president and directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements through or over which they may desire to construct their works, and to lay out the same according to their pleasure, so that the dwelling house, yards and other buildings of any person be not invaded without his consent; and they shall have power to enter and lay out such contiguous lands as they may desire to occupy as sites for depots, store-houses, ware-houses and other buildings for the necessary accommodation of their officers, agents and servants, and for the protection of the property of the company: *Provided*, That the lands so laid out for the latter purpose shall not exceed two acres in any one parcel; if the president and directors cannot agree with the owner or owners of the lands so entered on and laid out by them as to the terms of purchase, they may apply to the county court of the county in which such lands or the greater part thereof may lie, and upon application the court shall appoint five impartial freeholders to assess the damages arising from the condemnation of the lands for the purpose aforesaid; and that ten days notice of such application shall be given to the owner of the land, and if said owner, being an infant or *non compos mentis*, then to his or her guardian, if such owner or guardian is to be found in the county, or if he cannot be so found, notice of said application shall be published one month at least in a public newspaper before such appointment shall be made; the order appointing said freeholders shall designate a day for their meeting, and they may adjourn from day to day until their business is accomplished, and of the five freeholders so appointed any three or more of them may act being first duly sworn or solemnly affirmed before some justice of the peace that they will impartially and justly ascertain and assess the damage which will be sustained by the proprietor of the land from the condemnation thereof for the use of said company, and that they will truly certify their proceedings thereof to the court of said county; that with the report of said freeholders shall be returned and

Power to enter
on lands.

Proviso.

§

appended thereto a certificate of the magistrates before whom they were qualified of such due qualification; when said report shall be returned, unless good cause be shown at the time the same shall be confirmed and spread upon the records; but if said report shall be disaffirmed, or if said freeholders, being unable to agree, shall report their disagreement, or from any other cause they shall fail to report within a reasonable time, the court may supersede them and appoint others in their stead; the said court of pleas and quarter sessions may, upon the confirmation of the report of said freeholders, award judgment and execution against said company for the amount of damages so assessed, and when the said judgment shall be paid and discharged, the title for the land for which such damages are assessed, the report of said freeholders to contain a description of said land by metes and bounds, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them; and the said court shall then order the report of the freeholders to be registered in the county in which the courts sits, and the same shall be read in evidence as in cases of registered deeds for the conveyance of land.

May enter on
adjacent lands.

SEC. 12. *Be it further enacted*, That the said president and directors, for the purpose of constructing their works aforesaid, and the works necessarily connected therewith, or repairing the same, shall be at liberty by themselves, officers, or agents, or servants, at any time, to enter upon any adjacent land or lands nearest where such materials may be found, to cut, quarry, dig, take and carry away therefrom, any wood, stone, gravel, or either of which they may deem necessary: *Provided however*, That they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or ornament, nor take any timber, gravel or stone constituting a part of any fence or building; and for all such wood, stone, or gravel thus taken, the president and directors shall pay the owner or owners thereof a reasonable compensation, to be by them agreed upon; and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders, appointed by the justices of the peace of the county where the stone, &c.,

may be situated, upon the application of the owner thereof, after previous notice of ten days to the other party; and in case either party shall be dissatisfied with their determination, an appeal to the county court shall be allowed and sent up by the said justice.

SEC. 13. *Be it further enacted*, That it shall be lawful Tolls. for the president and directors of said company to demand and receive at the locks erected, or at other convenient points and stations on the said river White Oak, a reasonable toll from all persons passing through said locks or using said improvements, which toll so to be collected shall be so regulated that the net profits shall not exceed twenty per cent. in any one year on the amount of capital actually expended by said company in making said improvements: *Provided*, That the rates of toll shall be uniform, and no discrimination made between the citizens of this State: *Provided, further*, That the said White Oak River Navigation Company shall not have the right to collect toll, or establish stations for collecting toll between where the said White Oak river is now navigable for flats and rafts, but the tolls are to be collected from the points where the improvement commences, to the head of the river at Job Smith's plantation.

SEC. 14. *Be it further enacted*, That the president of said Annual report. company shall annually report to the stockholders, a full account of the receipts and expenditures of said company, and a general statement of the condition and affairs.

SEC. 15. *Be it further enacted*, That in a general meet- Votes. ing of the stockholders each share of said capital stock shall be entitled to one vote, which vote may be given by the proprietor of said share, either in person or by proxy, and a majority of the shares being represented, shall constitute such general meeting.

SEC. 16. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 4th day of January, 1859.*]

Chap. 150. AN ACT TO INCORPORATE THE BEAUFORT AND HYDE STEAMBOAT COMPANY.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Wm. E. Demill, Rich. H. Riddick, Thos. A. Demill, Rich. M. Demill, and such other persons as they may associate with them, be incorporated by the name and style of the "Beaufort and Hyde Steamboat Company," with a capital stock not exceeding fifty thousand dollars, divided into shares of one hundred dollars each.

May hold lands &c.

SEC. 2. *Be it further enacted,* That the said company shall have power and authority to purchase and hold to themselves and their successors, in fee simple, lands and tenements, in the counties of Beaufort, Hyde, Carteret and Craven, for the purpose of building wharves and warehouses for the convenient transaction of their business.

Shares, &c.

SEC. 3. *Be it further enacted,* That it shall be competent for said company at all times to own as many shares and other chattel property as the successful prosecution of its operations may require.

May own steam boats.

SEC. 4. *Be it further enacted,* That they shall have power and authority to purchase and own one or more steamboats, and to run the same, conveying passengers and freight and the U. S. mails, to and from such points or places in this State as may seem to them best for the interests of said company: and further, that the said company shall have the power at any and all times, through their president, agent or secretary, to replevy their boats or other property, by an approved bond returnable to the court, against the claim of any person or persons seeking by way of attachment to recover a claim or claims which may be in dispute, referring the same to the courts of law and equity for adjudication.

Rights, &c.

SEC. 5. *Be it further enacted,* That this company shall have all the rights, powers and privileges given to corporations by the 26th chapter of the Revised Code.

SEC. 6. *Be it further enacted,* That this act shall be in force from and after its ratification. [Ratified the 16th day of February, 1859.]

AN ACT TO INCORPORATE THE DAWSON STEAMBOAT COMPANY. *Chap. 151.*

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate
State of North-Carolina, and it is hereby enacted by the
authority of the same, That John Dawson, Andrew McLean
 and James J. McCollum, and their associates, successors
 and assigns, are hereby created, constituted and declared a
 body corporate and politic, by the name of "The Dawson
 Steamboat Company," and by that name they and their
 successors may and shall have perpetual succession, and a
 common seal, and shall be capable of suing and being sued,
 pleading and being impleaded in all the courts of the State,
 and may hold, possess, acquire and enjoy real and personal
 estate, may ordain and establish laws, rules and regula-
 tions for their government, and to elect their own offi-
 cers, and generally to do, receive and perform all such
 matters and things as rightfully belong and usually are inci-
 dent to bodies corporate and politic, any law, usage or
 custom to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the capital stock of Capital stock.
 said company shall not exceed the sum of fifty thousand
 dollars, in such shares as said company shall hereafter de-
 termine.

SEC. 3. *Be it further enacted,* That this act shall be in
 force from and after its ratification. [*Ratified the — day of*
February, 1859.]

AN ACT TO INCORPORATE THE NEWBERN AND BALTIMORE STEAM *Chap. 152.*
 SHIP COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That William C. Whitford, Benjamin
 B. Lane, Theodore J. Hughes, Benjamin Ellis, William H.
 Oliver, and such other persons as may hereafter be associat-
 ed with them, their successors and assigns, shall be and are
 hereby created a body politic and corporate by the name of
 "The Newbern and Baltimore Steamship Company," with

all the rights, privileges and restrictions contained in chapter 26 of the Revised Code, entitled "Corporations."

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege to increase the same to one hundred thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 153. AN ACT TO EXTEND THE POWERS OF THE NEW RIVER NAVIGATION COMPANY.

How proceeds
may be applied.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the president and directors of the New River Navigation Company, be and they are hereby authorized and empowered to apply the proceeds that may arise or have arisen from tolls, and to hypothecate and mortgage the same to the payment of any debts which have been or may be contracted by the said president and directors for the purpose of aiding in effecting the improvement of the navigation of the said New river.

Violation of
rules, &c.

SEC. 2. *Be it further enacted*, That all persons with vessels, boats or any other craft navigating said river over such improvements, who shall violate any rule, regulation or by-law of said New River Navigation Company, by refusing or going over said improvement and neglecting to pay the tolls as required by said company, shall be subject to a penalty of double the amount of the tolls for which they may be liable to the said company for navigating the said river over the said improvements, to be recovered by said company before any court having jurisdiction thereof.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 21st day of December, 1858.*]

AN ACT TO INCORPORATE THE CAPE FEAR AND OCEAN STEAM *Chap. 154.*
NAVIGATION COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That Edwin A. Heitte, Gaston Meares,
S. N. Martin, Andrew McLean, Wm. H. McRary, John J.
Hedrick, Wm. R. Uttley, or a majority of them, their asso-
ciates, successors and assigns, are hereby created and consti-
tuted a body politic and corporate, by the name of "The
Cape Fear and Ocean Steam Navigation Company," and as
such body politic and corporate, and by said name, may
sue and be sued, appear, prosecute and defend to final
judgment and execution in any courts, or elsewhere; may
adopt and alter at their pleasure a common seal, and may
elect and remove in such manner as they may determine
to be proper all necessary officers, fix their compensation
and define their duties and obligations, and may make such
by-laws, rules and regulations for their own government
and for the due and orderly management of their affairs, as
may not be inconsistent with the laws of this State.

SEC. 2. *Be it further enacted,* That said company shall Rights, pow-
have all the rights, powers and privileges required, or which ers, &c.
said company may deem necessary, for the transportation
of persons, goods, wares, merchandize, or any articles of
property whatsoever, from and to the port of Wilmington,
or from and to any other port in this State to and from any
other port or ports within this State or out of this State;
and for these purposes said company may purchase, hold
and possess, and may sell, transfer and convey, all such
property and estate, real or personal, as said company may
consider necessary or proper for the more easy and con-
venient prosecution of its general business as carriers of
persons and things.

SEC. 3. *Be it further enacted,* That the capital stock of Capital stock.
said company shall consist of twenty-five hundred shares of
one hundred dollars each, the number of which said shares
may be increased to five thousand, if a majority of the
stockholders shall so determine, and said shares of stock
shall be considered as personal property and be transfer-

able according to such rules and regulations as the by-laws of said company may prescribe; and of said capital stock, such wharves, yards, ware-houses, offices, stores, steamers, vessels, flats or boats, or other property of any member or members of said company, may constitute a part, at such prices as may be agreed on between the owners of the same on the one part and their associates on the other part.

Affairs, how
managed.

SEC. 4. *Be it further enacted*, That the general business and affairs of said company shall be managed by a board of five directors to be chosen by the stockholders every two years; and said directors shall elect one of their body to be president, and such president and directors shall have [hold] their offices until their successors are elected; and at all meetings of the stockholders of said company the owner of each share of stock shall, either in person or proxy, be entitled to one vote for each share of stock held by him.

To continue 30
years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification, and the rights, powers and privileges conferred by this act shall be in force and continue for the term of thirty years. [*Ratified the 31st day of January, 1859.*]

Chap. 155. AN ACT TO INCORPORATE THE M'LENDON'S CREEK NAVIGATION COMPANY, IN THE COUNTY OF MOORE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of effecting a navigation of McLendon's creek, in the county of Moore, from its mouth to Wm. B. Richardson's mills on said creek, Alexander Kelly, W. D. Dowd, Thomas Williams, and such other persons as are now or may hereafter be associated with them, their successors and assigns, shall be and they are hereby created, constituted and declared a body corporate and politic, by the name of the "McLendon's Creek Navigation Company," and by that name they and their successors may and shall have succession, and a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all courts whatsoever, and may ac-

quire, hold, possess and transfer real and personal estate, so far as may be necessary for the purposes herein set forth and no further, and shall have and enjoy and may exercise all the right, powers and privileges of this act, and may make and adopt all rules, and regulations, and by-laws for the government of the affairs of said company, not inconsistent with the laws of this State, or of the United States.

SEC. 2. *Be it further enacted*, That the said company shall have power to construct dams, build locks, and do any other works necessary to complete the navigation of said McLandon's creek: *Provided however*, That said company shall pay a fair valuation for any damage done to private property. Dams, locks, &c.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, to be subscribed in shares [of] not less than ten dollars each, and when the sum of two thousand dollars shall have been subscribed, the said company shall be formed, and shall have power to organize and adopt by-laws for the government of the same. Capital stock.

SEC. 4. *Be it further enacted*, That said company when organized shall be entitled to all the privileges, and be subject to all the restrictions contained in chapter 26 of the Revised Code, entitled Corporations. Privileges, &c.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

AN ACT TO INCORPORATE CAROLINA CITY STEAM NAVIGATION COMPANY. Chap. 156.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John M. Coffin, Thos. Meroney, J. J. Summerel and William Murdock, of Salisbury; Ed. R. Stanley, George S. Stephenson and William P. Moore, of Newbern; J. A. Parrott, R. F. Bright and Wm. S. Long, of Carolina City; Thomas McRoree, Hugh Reynolds and Samuel R. Bell, of Statesville, Andrew Stunt, Eli Perry and Alfred Hargrove, of Lexington; O. G. Ford, E. D. Body politic.

Austin, of Rowan, and such other persons as they may hereafter associate with them, shall be and are hereby created, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Carolina City Steam Navigation Company," and by that name they and their successors may and shall enjoy a perpetual succession, and shall be in law capable of suing and being sued, answering and being answered, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of five hundred thousand dollars, divided into shares of one hundred dollars each.

Steamboats,
&c.

SEC. 3. *Be it further enacted*, That the said company shall have authority to purchase or build one or more steam vessels to be employed in running between Carolina City or any other seaport in North-Carolina and the city of New York, or any other place as they may deem best to their interest, and the said company shall have the authority also to construct or purchase one or more steam vessels for the navigation of any of the sounds, rivers or waters of this State, and they shall also be capable in law of holding land on the waters of Beaufort harbor, Bogue sound or of Newport river, for the erection of wharves and warehouses requisite for the landing and storage of articles conveyed in any of these vessels.

Rules, regula-
tions, &c.

SEC. 4. *Be it further enacted*, That the said company shall have power and authority from time [to time] to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof not inconsistent with the constitution and laws of this State or of the United States, providing therein for the appointment of the officers and managers of said company, the disposition and transfer and mode of representation of stock, the establishment of the rates of freight and all other matters necessary to carry into effect the object of their incorporation.

Books to be
opened.

SEC. 5. *Be it further enacted*, That books for the subscription of stock in said company may be opened whenever the persons named for the town of Salisbury shall direct; and

shall continue open at their pleasure, or until the whole amount of the capital stock is subscribed for and taken ; and whenever fifty thousand dollars is subscribed, the said John M. Coffin, Thomas Meroney, J. J. Summerel and William Murdock shall call a general meeting of the stockholders at such time and place as may be agreed upon for the organization of the company.

SEC. 6. *Be it further enacted*, That whenever any of the corporators shall transfer or assign over the shares by them respectively held and thereby cease to be stockholders, they shall cease to be members of said company as to all its subsequent transactions. Transfers, &c.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its ratification, and continue in force for thirty years after the organization of the company. To continue 30 years.
[*Ratified the 16th day of February, 1859.*]

PLANKROADS.

AN ACT TO AMEND THE CHARTER OF THE CHARLOTTE AND TAY- Chap. 157.
LORSVILLE PLANKROAD COMPANY.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Charlotte and Taylorsville Plankroad Company is hereby authorized and empowered to reconstruct in whole or in part said road out of stone, gravel or other material than plank as the president and directors thereof may deem necessary and proper for the interest of said company : *Provided*, That no other material than stone or plank shall be used in repairing said road within the corporate limits of the town of Charlotte : *Provided*, That said road shall be kept constantly in good and sufficient repair for the safety and convenience of the public. May reconstruct road.
[*Ratified the 16th day of February, 1859.*]

Chap. 158. AN ACT TO AMEND AN ACT TO INCORPORATE THE FAYETTEVILLE AND WESTERN PLANKROAD COMPANY.

Toll collectors. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the president and directors of the Fayetteville and Western Plankroad Company shall have power to appoint one or more traveling toll collectors on their road, and such collectors shall have power to demand an inspection of his ticket from any person traveling said road, and any person that does not, on demand, exhibit his ticket to such toll collector, shall be subject to a fine of five dollars, which may be recovered in the name and to the use of the Fayetteville and Western Plankroad Company, by warrant, before a justice of the peace, in any county in which the offender may be found.

May sell branches or main trunk. SEC. 2. *Be it further enacted,* That the stockholders, in general meetings, shall have power to authorize the president and directors to sell any or all the branches, or any part of the main trunk of their road, in such manner, and on such terms as they may deem expedient. And in case of such sale, the purchasers may become incorporated in the same manner as set forth in case of mining or manufacturing companies, in chapter 26, Revised Code, entitled Corporations, and shall be invested [with] all rights, powers and franchises enjoyed by the Fayetteville and Western Plankroad Company under their original charter, or any alterations or amendments thereto. [*Ratified the 16th day of February, 1859.*]

Chap. 159. AN ACT TO AMEND AN ACT INCORPORATING THE YANCEYVILLE PLANKROAD COMPANY PASSED AT THE SESSION OF 1852.

Reduces shares SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That an act passed at the session of 1852 incorporating "the Yanceyville Plankroad Company," be so amended as to reduce the shares in the capital stock

of said company, from the value of fifty dollars to the value of thirty-seven dollars and fifty cents.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws in said act of incorporation coming in conflict with this act be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

PILOTS AND PILOTAGE.

AN ACT CONCERNING PILOTS AND PILOTAGE FOR BEAUFORT *Chap. 160.*
HARBOR AND THE WATERS ADJACENT THERETO.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That at the annual election held in each and every year to choose commissioners for the town of Beaufort, polls shall be opened for the election of five commissioners of Navigation and Pilotage for Beaufort Harbor and the bars forming the entrance thereto; all persons entitled to vote for the aforesaid commissioners of the town to be eligible to vote for the commissioners of navigation and pilotage. Commissioners of navigation,

SEC. 2. *Be it further enacted*, That it shall be the duty of the inspectors of the polls, to notify such persons as may be chosen to act, of their election, and as soon as they shall have taken an oath before any justice of the peace for the county of Carteret, or before the intendant of police for the town of Beaufort, faithfully to discharge the duties pertaining to their office, they shall be authorized and empowered to appoint a clerk, whose duty it shall be to keep a book and record therein all the orders, rules and proceedings of the said board of commissioners. May appoint a clerk.

SEC. 3. *Be it further enacted*, That the said commissioners shall have authority in all matters that may concern the navigation of Beaufort harbor and the bars thereof, and when there is no harbor master the commissioners of pilotage or a majority of them, shall decide all disputes about Authority of commissioners;

the moving of vessels and other matters which properly fall within the department of a harbor master.

May make
rules, &c.

SEC. 4. *Be it further enacted*, That the said commissioners shall be and they are hereby authorized and empowered from time to time, to make and establish such rules and regulations respecting the rates of pilotage and the arrangement and station of pilots, as to them shall seem most advisable and advantageous for the navigation of said harbor, and shall and may lay and impose reasonable fines and penalties for the purpose of enforcing the execution of said rules and regulations, and all fines thus imposed shall and may be recoverable before any justice of the peace for the county of Carteret, or any commissioner of navigation, in the name of the board of commissioners, who are hereby authorized to warrant therefor, and when recovered shall be applied to such improvements of the harbor as to the board of commissioners shall seem most advisable: *Provided*, That any person considering himself aggrieved by such judgment, may appeal to the next court of pleas and quarter sessions of Carteret county, first giving security for prosecuting the appeal in like manner as is directed by law in other appeals from justices of the peace.

Harbor master.

SEC. 5. *Be it further enacted*, That the said commissioners may appoint a harbor master for the harbor of Beaufort and prescribe the duties of his office, who shall be entitled to receive from the master of each vessel such compensation as to the commissioners may deem [seem] advisable.

To examine
pilots.

SEC. 6. *Be it further enacted*, That the commissioners of pilotage for the bars and harbor of Beaufort, or a majority of them, are hereby authorized and empowered from time to time, to examine as many persons as shall offer themselves to be pilots of the bar and harbor aforesaid, and on approving any such person to be a pilot, shall give to such person a commission under their hand and seals, to act as a pilot for the bars and harbor and waters adjacent, according as they shall find him qualified.

Pilot to give
bond.

SEC. 7. *Be it further enacted*, That every person thus approved, before he obtains a commission or a branch, to be a pilot, shall give bond with two sufficient securities, payable to the State of North-Carolina, in the sum of five hun-

dred dollars, with condition for the due and faithful discharge of his office, which bond shall be filed with and preserved by the said board of commissioners in trust for such person or persons as shall appear to be injured by such pilot, and the person so injured may bring suit on such bond in the name of the State, and recover the damage by him sustained, and the bond shall not be void upon the first recovery, or if judgment be rendered by the defendant, but may be put in suit, from time to time, by any person who shall be injured by a breach of its conditions until the whole penalty shall be recovered.

SEC. 8. *Be it further enacted*, That upon the misbehavior of any pilot, in his office, the said commissioners or a majority of them shall be and they are hereby authorized to remove such pilot from his office by a note in writing directed to him and subscribed by them, and to appoint another in his stead in manner aforesaid, and the commissioners shall put up notice in writing in all public places within the said harbor, or publish in some convenient newspaper that such pilot is removed.

May remove pilot for misbehavior.

SEC. 9. *Be it further enacted*, That if any person not authorized as a pilot for bars and harbor of Beaufort in manner as by this act directed, shall assume and take upon himself the office of pilot, and shall bring or attempt to bring into the said harbor any vessel whatever, such person shall forfeit and pay the sum of forty dollars, to be recovered by action of debt, one-half to the person who shall sue for the same, and the other half to the commissioners of navigation for said harbor: *Provided always*, That it shall be lawful for any person to conduct into the port of Beaufort any vessel in danger from distress of weather or in a leaky condition, any thing herein to the contrary notwithstanding.

Persons not authorized as pilots.

SEC. 10. *Be it further enacted*, That the said commissioners of navigation, a majority of whom may form a board, shall have power and authority to hear and decide all matters of dispute between any pilot and master of a vessel, or between the pilots themselves, respecting the pilotage of vessels, and any one of said commissioners may issue a warrant against any master of a vessel for the recovery of any pilotage, and against any pilot for the recovery of any

May hear and decide matters of dispute.

demand one pilot may have against another, relative to pilotage, and for the recovery of any forfeiture or penalty incurred by any act of the General Assembly for regulating the pilotage of Beaufort harbor and adjacent waters, which warrant shall be directed to the sheriff or any constable of Carteret county, who are hereby respectively enjoined and directed to obey and execute the same, and all other process authorized by this act, and on any warrant issued as aforesaid, any one of the said commissioners may give judgment for any sum not exceeding sixty dollars, and may issue execution thereon, in the usual manner for issuing executions on judgments given by justices of the peace, and any execution so issued, shall and may be levied and satisfied, agreeably to the rules and regulations prescribed for the levy of, and sale under, other executions issuing under judgments had before justices of the peace as aforesaid; and any commissioner, before whom any warrant is tried, shall have power and authority to summon witnesses and administer an oath, under the rules and regulations pertaining to trials before justices, and on no such judgment thus obtained shall there be any stay of execution: *Provided always*, That any party feeling himself aggrieved, may appeal to the ensuing court of pleas and quarter sessions of Carteret county; but if the judgment be affirmed, and it shall be the opinion of said court that the appeal was taken and obtained for the purpose of delay, the said court shall order and adjudge the said defendant to pay at the rate of ten per cent. on the amount of the original judgment, which shall be added thereto, and execution shall issue for the whole amount, as in other cases of judgments in said court.

Rates of pilotage.

SEC. 11. *Be it further enacted*, That when the commissioners of navigation and pilotage for Beaufort harbor shall make any alteration in the rates of pilotage, they shall cause such rates to be set up in the office of the collector, and shall also cause the same to be certified under their hands and annexed to the several pilots' branches.

Present pilots.

SEC. 12. *Be it further enacted*, That the pilots now having branches or commissions, or who may hereafter have branches or commissions to pilot over the bars and waters

in and adjacent to Beaufort harbor, shall be entitled to pilot and navigate vessels into port over either bar, and the pilot who shall bring a vessel into harbor over either bar, shall not be entitled exclusively to navigate the same vessel out of port over either bar, but when any vessel shall be ready to go out of port, the captain or master of said vessel may employ some pilot to navigate such vessel out of port: *Provided*, The pilot thus employed shall be a branch or commissioned pilot for the bar over which such vessel is to be piloted, and any pilot who shall navigate a vessel out of port contrary to the meaning of this section, shall, for every such offence, forfeit and pay the sum of forty dollars, to be recovered before any jurisdiction having cognizance thereof, to the use of the pilot or pilots who by this act would have been entitled to navigate said vessel out of port.

SEC. 13. *Be it further enacted*, That every pilot may keep Apprentices. to [two] apprentices, and no more, who upon being authorized by the commissioners of navigation, or a majority of them, when properly instructed, may pilot any vessel which their several masters are entitled to pilot, for the behoof and emolument of the said master, without let or molestation, subject, however, to the same regulations as the pilots are.

SEC. 14. *Be it further enacted*, That when any pilot of Beanfort harbor shall have notice from the master of any vessel, or other person in his behalf, to attend to the piloting of such vessel, and shall not go on board for that purpose without delay, he shall forfeit and pay ten dollars, unless he shall at the time of such notice have the actual and personal charge of some other vessel, for each and every days' delay of the vessel, which he had notice to attend, by reason of such pilot's neglect, to be recovered by a warrant under the hand of any one of the commissioners, on oath being made of the fact, which oath any of the commissioners is hereby authorized to administer, and to be paid to the master or owner of the vessel so detained or delayed: *Provided*, That no bar pilot shall be considered as obliged Proviso. to take charge of any vessel outward bound, in order to pilot her over either of the bars, until the pilotage to which such pilot might or would be entitled for such service be

previously paid him, or satisfactory security for the payment thereof be given him.

Refusal to pay pilot.

SEC. 15. *Be it further enacted*, That if the master of any vessel shall send for or take on board any pilot to conduct such vessel from her station to any other place on the said harbor or adjacent waters, and shall afterwards neglect or delay to remove such vessel, wind and weather permitting, such master shall pay to the pilot two dollars for attending each and every day he shall be so detained, and if any vessel shall be boarded by a pilot without the harbor, and should happen to be blown off to sea by the violence of the weather, the pilot on board such vessel shall also be entitled to receive from the master thereof two dollars for every day he shall be at sea, until the vessel shall be brought into port.

Refusal or neglect to assist vessel.

SEC. 16. *Be it further enacted*, That when any Beaufort harbor pilot shall see a vessel on the coast having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, such pilot shall, on conviction, forfeit and pay the sum of forty dollars, to be recovered by action of debt in any court of record in this State, the one-half to the informer, the other half to the master of such vessel, and such pilot so refusing or neglecting may, upon due proof being made before the commissioners of navigation, be removed from being a branch pilot.

Refusal to take pilot.

SEC. 17. *Be it further enacted*, That when any master of a vessel shall refuse, (if spoken, or properly signalled, outside the bar,) to take a pilot, then each pilot so refused shall be entitled to full pilotage in the same manner as he would have been had he been actually employed for the purpose of piloting such vessel.

To have spy-glass.

SEC. 18. *Be it further enacted*, That each pilot shall, within such convenient time as the said commissioners shall direct, furnish himself with a good spy glass or telescope, under such penalty as the commissioners shall think proper, and such spy glass shall always be taken in the boat when the pilot goes out to sea.

What vessels not compelled to have a pilot.

SEC. 19. *Be it further enacted*, That no vessel or boat entering the harbor of Beaufort by either of the bars under sixty tons burden shall be compelled to take a pilot or pay

pilotage to any person whatever, except where signals are made for a pilot, and no vessel coming in at either of the said inlets with a view to the more convenient prosecution of her voyage, or to make a harbor, shall be compelled to take a pilot, nor any vessel passing to or from through Core sound.

SEC. 20. *Be it further enacted*, That it shall not be lawful for any master of a vessel or other person to throw any stone, earth or ballast or any other thing which can be injurious to the navigation of the harbor into the same, except it be at such places as may be designated by the commissioners of navigation, and any person guilty of a violation of this section shall be liable to an indictment in the county or superior court of Carteret, and on conviction thereof shall be punished by fine and imprisonment, at the discretion of the court.

No stone, earth, &c., to be thrown in harbor.

SEC. 21. *Be it further enacted*, That the captain, master or commander of any vessel from which any stone, earth or other ballast or any other thing which can be injurious to the navigation of said harbor, may be thrown contrary to the provision of the preceding section shall forfeit and pay the sum of two hundred dollars, to be recovered in the name of the commissioners of navigation and pilotage for Beaufort harbor for the time being, by action of debt, in the superior court of law of Carteret county, one-half to the use of the informer and the other half to the use of the said commissioners for the improvement of the navigation.

Penalty on captain.

SEC. 22. *Be it further enacted*, That if any branch pilot of Beaufort harbor shall knowingly suffer any kind of ballast or trash to be thrown out of any vessel into any part of the channel of said harbor, and shall not within five days after the commission of such offence, make information thereof to one or more of the commissioners of pilotage, such pilot shall, upon conviction, be forever rendered incapable of acting as a pilot for Beaufort harbor or the waters adjacent.

SEC. 23. *Be it further enacted*, That any person elected a commissioner of navigation under the provisions of this act who shall refuse to qualify and serve shall be subject to a penalty of twenty-five dollars, to be recovered by a war-

Penalty on pilot.

rant issued by any justice of the peace for Carteret county in the name of the commissioners of navigation, and such penalties to be applied to the improvement of navigation.

Vacancies.

SEC. 24. *Be it further enacted*, That all vacancies in their board caused by death or otherwise may be filled by the commissioners of navigation then being.

SEC. 25. *Be it further enacted*, That the provisions of this act shall be in force in twenty days after the passage thereof, and all the powers hereby vested in the commissioners of navigation to be elected under it, may be exercised by the present board until such election shall be held.

SEC. 26. *Be it further enacted*, That all laws and clauses of laws coming within the purview and meaning of this act are hereby repealed. [*Ratified the 16th day of February, 1859.*]

RAILROADS.

Chap. 161. AN ACT TO INCORPORATE THE DAN RIVER COALFIELD RAILROAD COMPANY.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a company by the name and style of the "Dan River Coalfield Railroad Company,"

Capital stock.

be and the same is hereby incorporated, with a capital stock of twelve hundred and fifty thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad from some point on the Virginia line, near the town of Danville, in Virginia, to the Coalfields of Dan river.

General commissioners.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed general commissioners, viz: Geo. D. Boyd, Edward T. Broadnax, John H. Dillard, George L. Aiken, Ro. B. Watt, Wm. D. Bethel, Wm. B. Carter, James Reynolds, Joseph W. Neal, F. L. Simpson and Samnel F. Adams, of the county of Rockingham, whose duty it shall be to direct the opening of books

for subscription of stock, at such times and places, and under such persons, as they, or a majority of them, may deem proper; and said general commissioners shall have power to appoint a chairman of their body, treasurer, and all other officers their organization may require, and to sue for and recover all sums of money that ought under this act to be recovered by them.

SEC. 3. *Be it further enacted*, That all persons who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when said books will be opened, and said books shall be kept open for the space of thirty days at least, and as long thereafter as the general commissioners shall direct; and that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making his subscription five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failure to pay as aforesaid, such person or persons receiving said money shall be personally liable to said general commissioners, before the organization of said company, and to the company itself, after the organization, to be recovered in the superior courts of law within this State, in the county where such delinquent resides, or if he resides in any other State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money paid by subscribers; that all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon

Opening of
books, &c.

their settlement with the general commissioners as aforesaid, it shall be the duty of said general commissioners in like manner, to pass their receipts for all sums thus received to the person from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them; that subscriptions of stock may be received as aforesaid, or as hereinafter provided for, to the amount of twelve hundred and fifty thousand dollars.

Duty of commissioners.

SEC. 4. *Be it further enacted*, That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of fifty thousand dollars at least, shall be subscribed in the manner aforesaid, and as soon as the said sum of fifty thousand dollars or upwards shall be subscribed in manner aforesaid, and the sum of five dollars on each share paid in as aforesaid, the subscribers to said stock shall be and they are hereby declared to be a body politic and corporate in fact and in law, by the name and style of "the Dan River Coal Field Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell, or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State or any other State, and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may and of the right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation or for effecting the object for which it is created, not inconsistent with the laws of this State or of the United States.

Meeting of stockholders.

SEC. 5. *Be it further enacted*, That as soon as the sum of fifty thousand dollars or upwards shall be subscribed as aforesaid, it shall be the duty of the general commissioners

to appoint a time for the stockholders to meet in Wentworth, in the county of Rockingham, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders shall, in person or by proxy, proceed to elect by ballot nine directors of the company, and to enact all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix on a day and place or places where the subsequent election of directors shall be held; and such elections shall henceforth be annually made, but if the day of the annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such elections in such manner as may be prescribed by a by-law of the corporation.

SEC. 6. *Be it further enacted*, That the affairs of said company shall be managed by a general board, to consist of nine directors, to be elected by the stockholders from among themselves, at their first and subsequent general annual meetings, and no stockholder shall be elected a director, nor serve as such, unless he be at the time of his election the *bona fide* owner and legal holder of ten shares of said stock, and shall continue to hold the same during the term of his service. Affairs, how managed.

SEC. 7. *Be it further enacted*, That the president of said company shall be chosen by ballot by a majority of the directors from among themselves, with a salary to be fixed by the stockholders in general meeting. President.

SEC. 8. *Be it further enacted*, That all stockholders, being citizens of the United States, shall be entitled to vote, either in person or by proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled shall be according to the number of shares he may hold in the proportions following, that is to say: for one share, and not more than two, one vote; for every two shares above two and not exceeding ten, one vote; for Votes, &c.

every four shares above ten and not exceeding thirty, one vote; for every six shares over thirty and not exceeding sixty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred and not exceeding two hundred, one vote; and for every twenty shares over two hundred, one vote.

First general meeting.

SEC. 9. *Be it further enacted*, That at the first general meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting be thus formed; and at such regular meeting the stockholders may provide a by-law as to the number of stockholders and the amount of stock to be held by them, which shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of stockholders and directors.

Return of stock

SEC. 10. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders and pay over to the directors, elected at their meeting, or their authorized agent, all sums of money received from subscribers, and on failure to do so they shall be personally liable to said company, to be recovered at the suit of said company in any of the superior courts of law in this State, in the county where the delinquent resides, and in case of his death the same shall be recovered of his executors or administrators.

Vacancies.

SEC. 11. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president may fill his place by electing a president *pro tempore* from among their number.

Further subscriptions.

SEC. 12. *Be it further enacted*, That the said board of directors shall have power and authority to open books for further subscription to the stock of said company at such times, and under such persons as they may designate, in the event that the whole stock be not subscribed before the first general meeting of the stockholders, and to open and keep

open said books from time to time until the whole amount of the capital stock be subscribed.

SEC. 13. *Be it further enacted*, That said company shall have power and may proceed to construct as speedily as possible a railroad with one or more tracks from some point on the Virginia line, near the town of Danville, in Virginia, to the Coalfields of Dan river.

SEC. 14. *Be it further enacted*, That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandize and produce over the road constructed by them at such charges as may be fixed upon by a majority of the directors; and the said company [may] farm out their right of transportation over their said railroad, subject to the rules above mentioned, and said company and every person who may have received from them the right of transportation of goods, wares and produce on said railroad, shall be deemed and taken to be a common carrier as respects every thing intrusted to them or him for transportation.

Exclusive rights.

SEC. 15. *Be it further enacted*, That the board of directors may call for the payment of the sum subscribed as stock in said company, in such instalments as the interest of the said company may in their opinion require; the call for each payment shall be published in one or more newspapers in this State for the space of one month before the day of payment, and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction on a previous notice of ten days for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser at said sale discharged from all further liability, and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assignees at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of

Payment of subscriptions.

ten days to said subscriber, or by action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace where the sum does not exceed one hundred dollars, and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

Debt of stockholders.

SEC. 16. *Be it further enacted*, That the debt of stockholders due to the company for stock therein, either as original proprietor or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Certificates of stock.

SEC. 17. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Report of directors.

SEC. 18. *Be it further enacted*, That the board of directors shall, once in every year at least, make a full report on the stock of the company and its affairs to a general meeting of the stockholders, and oftener if required by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide in their by-laws for occasional meetings being called and prescribe the mode thereof.

May hold lands &c.

SEC. 19. *Be it further enacted*, That said company may purchase, have and hold in fee or for a term of years, any land, tenements or hereditaments which may be necessary for the said road or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used for said company, or for procuring stone or other materials necessary to the construction of the road or for effecting transportation thereon.

SEC. 20. *Be it further enacted*, That the company shall have the right when necessary, to conduct the said road across or along any public road or water course: *Provided*, That the said company shall not obstruct any public road

without constructing another equally as good and convenient.

SEC. 21. *Be it further enacted*, That when any lands or Right of way.
right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may accrue, in any way whatsoever, by the establishment of said railroad or works, and shall state particularly the value and amount of each, and the excess of the loss and the damage over and above the advantage and benefit, shall form the measure of valuation of the said land or right of way: *Provided, nevertheless*, That if any person or persons over whose lands the road may pass, or if said company should be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court, in the county where the said valuation has been made, or in either county in which the land may lie, when it shall be in more than one county, under the same rules, regulations and restrictions as in other cases of appeals. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission issued, there to remain a matter of record, and the lands or right of way so valued shall vest in said company so long as the same shall be used for the purposes of the said railroad, so soon as the valuation shall have been paid,

or when refused, may have been tendered: *Provided*, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the court house of the county, and shall have been posted at the door of the court house on the first day at least of the term of said court to which the application is made: *Provided further*, That the valuation provided for in this section shall be made on oath, or by the commissioners aforesaid, which oath any justice of the peace or clerk is authorized to administer: *Provided further*, That the right of condemnation herein granted, shall not authorize the said company to invade the dwelling house, yard, garden or burial ground of any individual, without his consent.

Condemning
of land.

SEC. 22. *Be it further enacted*, That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road, and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Where no con-
tract is made.

SEC. 23. *Be it further enacted*, That in the absence of any contract or contracts with said company in relation to lands through which the said road may pass, signed by the owner thereof or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which said road may

be constructed, together with the space of one hundred feet on each side of the centre of the said road, has been granted to the said company by the owner thereof, shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands as hereinbefore directed within two years next after that part of the said road which may be on the said land was finished, and in case the said owner or those claiming under him, his, her or them shall not apply within two [years] next after the said part was finished, he, she or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s or infants until two years after the removal of their respective disabilities.

SEC. 24. *Be it further enacted*, That all lands not heretofore granted to any person within one hundred feet of the centre of the said road shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

SEC. 25. *Be it further enacted*, That if any person or persons shall intrude upon the said railroad by any manner of use thereof, or of the rights and privileges connected therewith without the permission or contrary to the will of the said company, he, she or they may be indicted for misdemeanor, and upon conviction fined and imprisoned by any court of competent jurisdiction. Intruding on road.

SEC. 26. *Be it further enacted*, That if any person shall wilfully and maliciously destroy, or in any manner hurt or damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water tank, warehouse, or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and Penalty for injuring road, &c.

on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of [the] court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same, and it shall not [be] competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, at the time the same was done or caused to be done.

Obstructions,
&c.

SEC. 27. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company, and the person causing such obstruction may be indicted for erecting a public nuisance.

Produce, &c.,
for transporta-
tion.

SEC. 28. *Be it further enacted*, That the said company shall have the right to take at the storehouse they may establish, on or annexed to their railroad, all goods, wares, merchandize and produce intended for transportation, to prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation : *Provided*, That the said company shall not charge or receive any storage on goods, wares, merchandize or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have power to transact immediately.

Dividends.

SEC. 29. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders, in proportion to the stock each may own.

SEC. 30. *Be it further enacted*, That the following officers, and servants, and persons in the actual employment of the said company, be and they are hereby exempted from the jury and ordinary militia duty : The president and treasu-

rer, the board of directors, chief and assistant engineers, the secretary and accountants of the company, keepers of depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and traveling with the cars, for the purpose of attending to transportation of produce, goods and passengers on the road.

SEC. 31. *Be it further enacted*, That for the purpose of constructing said road, the said company are hereby authorized and empowered, by a vote of the stockholders in general meeting assembled, to increase their capital stock to an amount sufficient in their opinion to effect the object, and to raise money by loan or otherwise, sufficient to complete and equip the main track or road, upon such securities and in such manner as the stockholders may direct. May increase capital stock.

SEC. 32. *Be it further enacted*, That for the purpose of ascertaining the best route for said road, and to locate the same, it shall be lawful for said company, by its engineers, servants and agents, to enter upon, examine and survey any land or lands that they may wish to examine for such purpose, free from any liability whatever. To ascertain route.

SEC. 33. *Be it further enacted*, That said road shall not run within twenty miles of the North-Carolina railroad, and if the company hereby incorporated violate the provisions of this section, it shall work a forfeiture of their charter. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE A COMPANY TO CONSTRUCT A BRANCH OF THE WILMINGTON AND WELDON RAILROAD FROM WARSAW TO FAYETTEVILLE TO BE STYLED THE FAYETTEVILLE BRANCH. Chap. 162.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of establishing a communication by railroad from Warsaw, a depot on the Wilmington and Weldon railroad 55 miles from Wilmington, with Fayetteville, through the county of Sampson, by Clinton or near Clinton, the formation of a company with a capital of eight hundred thousand dollars are hereby author- Formation of company.

ized, to be called the Fayetteville Branch of the Wilmington and Weldon Railroad, and when formed in compliance with the conditions hereinafter prescribed, to have a body politic in perpetuity.

May construct
a railroad.

SEC. 2. *Be it further enacted*, That the said company be and the same are hereby authorized to construct a railroad between the points above named, by or near the town of Clinton in the county of Sampson, and for the purpose of creating the capital stock of said company it shall be lawful to open books, in the county of Duplin at Kenansville, under the direction of Owen R. Kenan, Jeremiah Pearsall, Isaac B. Kelly, Dr. Chauncy Graham, Elisha Stanly, William J. Houston, J. D. Stanford; in Warsaw under Gen. William L. Hill, Norris Frederick, John B. Southerland, Abner M. Faison, David G. Morrissey, C. B. Hobson; in Clinton under the direction of Patrick Murphy, William A. Faison, Dr. Thomas Bunting, Eli Underwood, John C. Williams, John R. Beaman, William S. Devane, Alfred Johnson; in Wilmington under the direction of Wm. S. Ashe, P. K. Dickinson, Miles Costin, John A. Taylor; in Blockersville under the direction of S. R. Hawley, Love Culbreath, George W. Bullard; in Fayetteville under the direction of John C. Blocker, Jesse H. Hawley, Hon. Jesse G. Shepherd, William B. Wright, Randall McDaniel, or any one or more of them for the purpose of receiving subscriptions to an amount not exceeding eight hundred thousand dollars in shares of fifty dollars each.

Commissioners
to open books.

SEC. 3. *Be it further enacted*, That the said commissioners above named, and others appointed by a majority of those named, be authorized to open books for subscriptions after the ratification of this act, first giving due notice of the same for 20 days in some newspaper in Wilmington or Fayetteville, and the said books when opened shall be kept open for the space of 60 days at least, and as long thereafter as the commissioners shall think fit.

When incorpo-
rated.

SEC. 4. *Be it further enacted*, That whenever the sum of fifty thousand dollars shall be subscribed in manner and form as aforesaid, the subscribers, their executors, administrators or assigns shall be and they are hereby declared incorporated into a company to be styled "the Fayetteville

Branch of the Wilmington and Weldon Railroad," and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates, real and personal and mixed, and of acquiring the same by deed, gift, devise and otherwise so far as shall be in accordance with the object and intent of their charter, and shall have perpetual succession; by their corporate name may sue and be sued, implead and be impleaded in any court of law and equity in this State, may have and use a common seal, which they may alter or renew at their pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and make all such by-laws, rules and regulations as are necessary for the government of said corporation or effecting the object for which it was created, not inconsistent with the constitution or laws of this State.

SEC. 5. *Be it further enacted*, That a general meeting of the stockholders may take place as soon as the sum of fifty thousand dollars has been subscribed, public notice of said meeting having been given in some public newspaper for thirty days, of such meeting and the place of meeting; at which meeting a majority of the stockholders shall proceed in the way they may deem proper, to elect a president, treasurer and nine directors out of the number of stockholders; and the said directors shall be invested with full power for the government of said corporation and the transaction of business, and shall hold their office until the annual meeting of the stockholders, and after the first annual meeting the president, treasurer, and directors shall hold their office for the term of one year or until others are elected.

SEC. 6. *Be it further enacted*, That the board of directors shall fill any vacancies which may occur during their term of office, and said board may call for and be invested with full power to collect all sums subscribed to the capital stock of said company, after publishing said call for the same for one month in some newspaper in the State; and on failure on the part of the subscribers to pay the same, the board of directors may order their treasurer to make sale of the same, after giving 10 days' notice of the time and place, for cash; and in case the stock do not sell for enough to pay the subscription and expenses of sale, then the company may re-

cover in an action of assumpsit such deficiency from the subscriber in any court of competent jurisdiction, and no assignment of stock shall be made until the whole amount subscribed shall have been paid.

Stock.

SEC. 7. *Be it further enacted*, That the stock may be transferred as the by-laws of the company may direct, and the company may at any time increase its capital stock to a sum sufficient to complete said road, and may borrow money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same may be done in either case shall be directed by the stockholders.

May use portion of road.

SEC. 8. *Be it further enacted*, That the said company shall have the power of using any portion of said road constructed by them before the whole of said road shall be completed, and may charge for transportation thereon.

SEC. 9. *Be it further enacted*, That the company shall have the right, when necessary, to construct the said railroad across any public road or along side of the same: *Provided*, That said company shall not obstruct any public highway until they have constructed one as good, as near the old one as practicable.

Right of way.

SEC. 10. *Be it further enacted*, That when any lands or right of way may be required by said company for the purpose of constructing said road, building ware houses, water stations, work shops or depositories, or any other material and necessary grounds or buildings for said company, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner, the same may be taken at a valuation to be made by a jury of good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie, (at the requisition of the treasurer, or any of the directors of said company, or its president,) and in making the said valuation, the jury shall take into consideration the loss or damage which may accrue to the owners thereof, as well as the benefit to be derived by the construction of said road to the said land; and in case either party be dissatisfied with the verdict of the jury, an appeal may be taken to the superior court of said county, and the sheriff

shall return the proceedings to court, but the title of said lands shall vest in said company so long as it shall be used for the purpose of a railroad, from the time of the assessment by the jury, notwithstanding such appeal: *Provided*, The company shall tender to said owner the sum assessed by said jury.

SEC. 11. *Be it further enacted*, That the company may condemn, in manner prescribed above, not more than one hundred feet on each side of said railroad track, measuring from the center of the same, except when the necessities of the road may require more, and not more than ten acres in one lot or station, for sites of workshops, depots and other necessary buildings. May condemn land.

SEC. 12. *Be it further enacted*, That said company shall have exclusive privilege and right of conveyance of persons and freights over said road, at such charges as may be fixed by the directors. Exclusive privileges.

SEC. 13. *Be it further enacted*, That whenever the sum of fifty thousand dollars shall have been subscribed, and one-fifth paid in, then the said company shall have power to begin the construction of said road at Warsaw, and working up toward the village of Clinton, in the county of Sampson, and after that, may work at such other places on the line of said road as may be thought advisable by the directors of the same. When \$50,000 is subscribed.

SEC. 14. *Be it further enacted*, That as it is the purpose of this road to facilitate transportation of coal and produce, they shall have the joint use of sheds, ware houses and other works, in common with the Fayetteville and Western Road, upon paying to the said Fayetteville and Western Railroad Company a reasonable compensation therefor. Joint use of sheds, &c.

SEC. 15. *Be it further enacted*, That a majority of the justices of the county of Sampson, Duplin and Cumberland, or any one of them, may at any time subscribe the sum of one hundred thousand dollars, or any smaller sum that they may see fit, to the capital stock of said company, the same having been passed by a majority of the justices and ratified by the votes, if a majority of the voters who shall vote at such time and place as a majority of the justices shall appoint, and upon the ballots shall be written "For What counties may subscribe

subscription," or "Against subscription;" and in case a majority of the voters of the county or counties shall be cast for subscription, then the justices of said county shall order the chairman to issue county bonds payable to said company in sums of not less than \$500 each, payable at such times and places as the majority of the justices shall direct. And they are hereby vested with full power and authority to raise money, by taxation, to provide for the payment of the principal and interest of the bonds so issued.

SEC. 16. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall be considered as a public act. [*Ratified the 16th day of February, 1859.*]

Chap. 163. AN ACT TO INCORPORATE THE WASHINGTON AND LEAKSVILLE RAILROAD COMPANY.

Formation of
company.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of effecting a railroad communication between the town of Washington and the Coal region in the county of Rockingham, at or near the town of Leaksville, the formation of a corporate company, with a capital of three million of dollars, is hereby authorized, to be called the Washington and Leaksville Railroad Company, and when formed in compliance with the conditions hereinafter prescribed to have a corporate existence as a body politic in perpetuity.

May construct
a railroad.

SEC. 2. *Be it further enacted*, That the said company be and the same is hereby authorized to construct a railroad from the town of Washington, in the county of Beaufort, through the counties of Pitt, Edgecombe, Nash, Franklin, Granville, Person and Caswell, to the town of Leaksville, in the county of Rockingham, passing through or near the town of Tawboro', and crossing the Wilmington and Weldon Railroad at or near Rocky Mount.

Books to be
opened.

SEC. 3. *Be it further enacted*, That for the purpose of raising the capital stock of said company it shall be lawful to open books, under the direction of the following named commissioners, to-wit: At Washington under the direction

of John Myres, B. J. Havens, Joseph Potts, Simon H. Ritch, George H. Brown, A. G. Willard, John A. Arthur, R. S. Myres, Jonathan Havens, M. Stephenson, W. R. Burbanks, S. Brown, jr., J. S. Fowle, W. Rumley, J. E. Hoyt, F. Grist, J. R. Grist, J. B. Lucas, H. Wiswall, E. J. Warren, W. B. Rodman; at Greenville under the direction of Churchill Perkins, R. Ward, G. E. B. Singletary, F. B. Satterthwait, Henry Stancil, Lawrence Perkins, Henry Hennington, J. J. Cherry, Henry S. Clark, Samuel DeBerry, John King; at Tawboro' under the direction of Henry T. Clark, John S. Dancy, John Norfleet, R. H. Pender, Joseph M. Redmond, H. S. Floyd, Geo. W. Whitfield; at Nashville under the direction of G. A. Lewis, James Harrison, A. J. Taylor, B. D. Mann, Wm. J. B. Harper, John Braswell, sen., John W. Bryant; at Louisburg under the direction of Thomas Davis, Madison Hawkins, Robert Speed, Archibald D. Williams, James J. Thomas, jr., Jas. B. Mann, Peter Foster, Alfred Alston, Wilson D. Webb, Arch. W. Pearce, Will. F. Green; at Oxford under the direction of Robert B. Gilliam, John C. Cooper, L. A. Paschal, Samuel S. Cooper, Willis Lewis, L. J. Davis; at Roxboro' under the direction of R. H. Hester, W. F. Nowell, Edward G. Read, H. Williams, Jesse A. Lansford, William H. Lawson, Charles S. Winstead, Jas. Streeter; at Yanceyville under the direction of Thomas D. Johnston, N. M. Roan, Yancy Jones, James Poteat, George Williamson, John A. Graves, Will. B. Buice; at Leaksville under the direction of Geo. L. Akin, Jones W. Benton, James P. Dillard, Charles Hamlin, John M. Reynolds; and at such other places, and under the directions of such other persons as a majority of the commissioners first above named may deem proper for the purpose of receiving subscriptions to an amount not exceeding three million of dollars in shares of one hundred dollars each.

SEC. 4. *Be it further enacted*, That the commissioners above named, and all other persons who may hereafter be authorized as aforesaid to open books for subscriptions, shall open the same at any time after the ratification of this act, first giving twenty days notice thereof of the time and place, in one or more of the newspapers printed in Washington, Tawboro', Louisburg and Milton, and the said books

Notice of opening of books.

when opened shall be kept open for the space of sixty days at least, and as long thereafter as the commissioners first above named shall direct, and the said first named commissioners shall have power to call on and require all persons impowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make return of the subscriptions of stock by them respectively received.

When incorpo-
rated.

SEC. 5. *Be it further enacted*, That whenever the sum of one hundred thousand dollars shall be subscribed in manner and form aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared incorporated into a company by the name and style of the "Washington and Leaksville Railroad Company," and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no further and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, and make all by-laws rules and regulations as are necessary for the government of the corporation or effecting the object for which it was created not inconsistent with the constitution and laws of the State.

General meet-
ing.

SEC. 6. *Be it further enacted*, That it shall be the duty of the commissioners named in this act for receiving subscriptions in Washington, or a majority of them, as soon as the sum of one hundred thousand dollars shall have been subscribed in manner aforesaid, to give public notice thereof, and at the same time call a general meeting of the stockholders, giving at least thirty days notice of the time and place of meeting; a majority of the stockholders being represented in person or by proxy, shall proceed to elect a president and treasurer, and nine directors out of the number of stockholders, and the said directors shall have power

to perform all the duties necessary in the government of the corporation, and the transaction of its business; and the persons elected as aforesaid shall serve such period, not exceeding one year, as the stockholders may direct, and at that meeting the stockholders shall fix on the day and place or places when the subsequent election of president, treasurer and directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of officers should, under any circumstances pass without an election, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

SEC. 7. *Be it further enacted*, That the election of officers Election of officers. aforesaid shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person having the greatest number of votes polled shall be considered duly elected to the office for which he is nominated, and at all elections and upon all votes taken at any meeting of the stockholders, upon any by-law or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company prescribe.

SEC. 8. *Be it further enacted*, That the board of directors Vacancies. may fill any vacancies which may occur in it during the period for which they have been elected, and in the absence of the president may appoint a president, *pro tempore*, to fill his place.

SEC. 9. *Be it further enacted*, That the board of directors Payment of stock. may call for the sums subscribed as stock in said company, in such instalments as the interest of said company may in their opinion require; the call for each payment shall be published in one or more newspapers of the State for one month before the day of payment, and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder and convey the same to the purchaser at said sale, and if the said sale of stock do not produce a sum sufficient to pay off the incidental expenses of

the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company and may be recovered of such stockholder or his executor, administrators or assigns at the suit of said company, either by summonary [summary] motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock, before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscriber and the first and all subsequent assignees shall be liable to the company and the same may be recovered as above described.

Debt of stockholders.

SEC. 10. *Be it further enacted*, That the debt of the stockholders due to the company for stock than in [therein,] either as original proprietor, or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Certificates of stock.

SEC. 11. *Be it further enacted*, That the said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

May increase capital stock.

SEC. 12. *Be it further enacted*, That the said company may at any time increase its capital stock to a sum sufficient to complete said road, not exceeding the additional sum of five hundred thousand dollars, by opening books for the subscription of new stock, or borrowing money on the credit of the company and the mortgage of its charter and works, and the manner in which the same shall be done in either case shall be prescribed by the stockholders.

Portion of road

SEC. 13. *Be it further enacted*, That the said company shall have power to build any portion of said road between any two points, on the line of the same, and shall also, if deemed expedient, have the power of making the eastern terminus of said road at some point on the north side of

Pamlico or Tarr river below Greenville in lieu of Washington, until such time as the company may think fit to extend the said road to said town, and shall also have the power of using any section of said road constructed by them, before the whole of said road shall be completed, and may charge for transportation thereon.

SEC. 14. *Be it further enacted*, That all contracts or agreements authenticated by the president and secretary of the board shall be binding on the company with or without a seal; such a mode of authentication shall be used as the company by their by-laws may adopt. Contracts, &c.

SEC. 15. *Be it further enacted*, That the said company may purchase, have and hold in fee, or for [a] term of years any lands, tenements or hereditaments which may be necessary for the said road or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries to be used by the company, or for procuring stone or other material necessary to the construction of the road or effecting transportation, and for no other purpose whatever. May hold lands

SEC. 16. *Be it further enacted*, That the company shall have the right, when necessary, to construct the said railroad across any public road or along the side of any public road: *Provided*, That the said company shall not obstruct any public road without first constructing one equally as good and as convenient as the one taken by the company.

SEC. 17. *Be it further enacted*, That when any lands or right of way be required by the said company for the purpose of constructing their road, building ware-houses, water stations, work-shops, depositories, and for want of agreement as to the value thereof or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by a jury of good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie, and in making the said valuation the said jury shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or the right of way being surrendered, and the benefit or advantage he, she or they may receive from the erection of the said road, Right of way.

and shall state particularly the value and amount of each and the excess of loss or damage over and above the advantage and benefit, shall form the measure of valuation of said land or right of way: *Provided nevertheless*, That if any person or persons over whose land the said road may pass or the company should be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next court of the county to be held thereafter, and the sheriff shall return to the said court the verdict of the jury with all proceedings thereon, and the lands or right of way so valued by the jury shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or if refused, paid over to the clerk of the county court: *Provided further*, That the right of condemnation shall not authorize the said company to invade the dwelling house, yard, garden or grave yard of any individual without his consent.

To condemn
land.

SEC. 18. *Be it further enacted*, That the right of said company to condemn land, in the manner described in the above section, shall extend to the condemnation only of one hundred feet, on each side of the main tract of the road, from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road, and the company, in like manner, shall have power to condemn any appropriate land for the building of depots and shops, not exceeding five acres in any one lot or station.

Exclusive right

SEC. 19. *Be it further enacted*, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise, produce and coal over said road at just charges, as may be fixed on by a majority of the directors.

Dividends.

SEC. 20. *Be it further enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock each may own.

SEC. 21. *Be it further enacted*, That notice of process Process. upon the president, or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company.

SEC. 22. *Be it further enacted*, That said company shall Branches. have power to construct branches to said road, or to connect with any other railroad that may be constructed east of the Wilmington and Weldon railroad, and any contract that may be entered into with any other railroad company, by the president and directors of said company, after the consent of a majority of the stockholders first obtained, shall be binding on the company.

SEC. 23. *Be it further enacted*, That it may be lawful for the said Washington and Leaksville Railroad Company to May issue bonds. make and issue bonds to an amount not exceeding fifty thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums of one thousand dollars each, bearing interest at the rate of seven per cent. per annum to be paid semi-annually in the city of New York, and redeemable in the year 1880.

SEC. 24. *Be it further enacted*, That to secure the faithful payment of the said bonds, it may and shall be lawful for the president and directors of the Washington and Leaksville Railroad Company to make, execute and deliver to such person in the city of New York as the said company may select and appoint, a deed of trust or mortgage, May make deed of trust. under the common seal of the said company, wherein shall be conveyed to the person thus appointed trustee, the road, property, income and franchises of said company, acquired or to be acquired, conditioned for the payment of the interest and final redemption of said bonds.

SEC. 25. *Be it further enacted*, That all the officers of the company, and servants, and persons in the actual employment of the company, be and they are hereby exempt from Exemptions. performing ordinary militia duty, working on public roads and serving as jurors.

SEC. 26. *Be it further enacted*, That all the work hereby required shall be executed with due diligence, and if it be not commenced within four years after the ratification of this act, then this charter shall be void.

SEC. 27. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall be regarded as a public act, and be continued in force until the year nineteen hundred. [*Ratified the 16th day of February, 1859.*]

Chap. 164. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE WILMINGTON AND MANCHESTER RAILROAD COMPANY."

May create preferred stock

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the president and directors of the Wilmington and Manchester Railroad Company, and they are hereby authorized and empowered, with the consent of the stockholders, to create preferred stock and issue certificates therefor, to an amount not exceeding three thousand shares, and to sell and dispose of the same for the purpose of liquidating so much of the debt of the said company.

Annual dividends guaranteed.

SEC. 2. *Be it further enacted*, That in order to render the said stock available for the purpose aforesaid, the said president and directors are hereby further empowered to guarantee to the purchasers the payment of annual dividends thereon, not exceeding eight dollars per share, by pledging the income of the said company over and above its current expenses, and the interest on its unpaid debts.

May sell stock.

SEC. 3. *Be it further enacted*, That the said Wilmington and Manchester Railroad Company are hereby empowered to sell and dispose of any stocks which it may hold, any law to the contrary notwithstanding. [*Ratified the 15th day of February, 1859.*]

Chap. 165. AN ACT TO AID IN THE CONSTRUCTION AND EQUIPMENT OF THE WESTERN RAILROAD FROM FAYETTEVILLE TO THE COALFIELDS.

Treasurer to sell bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the public treasurer is hereby

authorized and directed to sell the coupon bonds of the State, to an amount not exceeding four hundred thousand dollars, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form as the public treasurer may direct, to be made payable at such time and place as may be agreed upon by the public treasurer; and that the public treasurer shall pay over the said sum of four hundred thousand dollars to the president and directors of the Western Railroad Company, at such times and upon such conditions as are herein provided: *Provided*, Said bonds shall not be sold by the public treasurer for a less sum than their par value.

SEC. 2. *Be it further enacted*, That before the public treasurer shall sell for said company any of the bonds hereby authorized to be sold, the said Western Railroad Company shall deliver to the public treasurer the coupon bonds of said company for the same amount and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State herein before directed to be issued and paid over to the Western Railroad Company, and to secure the principal and interest of said bonds issued by the Western Railroad Company, the State of North-Carolina shall by this act have a lien upon all the the estate of said company, both real and personal, which they may now have or may hereafter acquire between the Cape Fear river, at Fayetteville, and the terminus of said road in the coalfields, including that at both points, together with all the rights, franchises and powers thereunto belonging or in any wise appertaining, or that may hereafter belong or appertain to said company, which lien shall be more effectually secured by a mortgage duly executed by said company to the State and registered in the register's office of the counties of Cumberland, Harnett, Moore and Chatham, and for the better security of the payment of the interest upon said bonds until the completion of said road, the company shall deposit with the public treasurer good and sufficient bonds made by individual stockholders, or persons interested

Bonds of company.

in said road amounting to fifty thousand dollars, to secure the payment of the interest as aforesaid, which said bonds shall be payable to the public treasurer, and shall be deemed due and payable at any time prior to the completion of said road, if the said company shall fail to pay the interest on the bonds given in exchange for the bonds of the State; which bonds shall upon the payment of the interest, to the completion of said road, be surrendered by the public treasurer to the said company.

Bonds, how
sold.

SEC. 3. *Be it further enacted*, That the bonds of the State hereby authorized to be sold for the Western Railroad Company, shall be sold as follows: when it shall be certified by the president of said Western Railroad Company, that twelve miles of said road have been completed and put in operation, said company shall be entitled to receive one hundred thousand dollars; when it shall be likewise certified that the iron for the whole road has been delivered at the port of Wilmington, said company shall be entitled to receive an additional one hundred thousand dollars; whenever the president shall certify that twenty-four miles of said road have been completed, said company shall be entitled to receive an additional one hundred thousand dollars; and whenever the president shall certify that the whole road to the coalfields has been completed and put in operation, and that an additional sum has been raised by said company making the amount of four hundred thousand dollars, and that the aforesaid sum of four hundred thousand dollars (exclusive of State bonds) has been expended upon said road, then an additional and final sum of one hundred thousand dollars shall be delivered to said company.

Income, how
applied.

SEC. 4. *Be it further enacted*, That the income of said company, after paying the current and necessary expenses, shall first be applied to the payment of the interest on the bonds hereby directed to be delivered to the public treasurer, and of the remainder, twenty-five per cent. shall be set aside and permanently invested for the purpose of creating a sinking fund for the final extinguishment of the debt; the balance may be divided among the stockholders, as said company may direct, it being the intention of this act to pledge the whole net income of the company, in the first

instance, to liquidation of the interest on the bonds, and then to provide for their final extinguishment.

SEC. 5. *Be it further enacted*, That the State shall have the privilege, at any time within eight years from the passage of this act, to subscribe stock in said company to the amount of four hundred thousand dollars, in shares of one hundred dollars each. and upon certificates of stock being issued to the State by said company for the same, to surrender the bonds of said company which had previously been delivered to the State under the provisions of this act. State may subscribe.

SEC. 6. *Be it further enacted*, That the board of internal improvements shall have the right, under this act, to send an agent of the State annually to examine into the condition of said railroad company, and to report the same to the governor and council.

SEC. 7. *Be it further enacted*, That in case any railroad company shall be incorporated hereafter, running eastwardly from the town of Fayetteville, or if the Wilmington and Weldon Railroad Company, or the Wilmington, Charlotte and Rutherford Railroad Company shall ever build a branch under their charter, then the said Western Railroad Company shall join in the erection of any warehouses and passenger sheds that may be necessary to render such connection as perfect as possible, and regularly use the same for the reception and delivery of all passengers, goods and other articles whatever; and the said railroad company shall not discriminate by charges against the company or companies so connecting with its railway. May join other roads.

SEC. 8. *Be it further enacted*, That in case of a railroad being built so as to connect any point or points to the eastward of Fayetteville with the coalfields, by means of the Western railroad, then and in that case the depots, yards, &c., of the Western railroad shall be used in common with such connecting roads, on their paying a due proportion of the cost of said depots, yards, &c., and agreeing to contribute a due proportion to the repairs and improvements thereon. Depots, &c., to be used in common.

SEC. 9. *Be it further enacted*, That in the payment of any interest which may accrue on the bonds of the State, before the completion of the road, the president of said Interest on bonds.

road shall be required to make oath that no part of said amount of interest has been derived from the sale of the bonds of the State.

Amendment.

SEC. 10. *Be it further enacted*, That the 22nd section of the charter of said company be amended so as to read as follows: That said company shall have power to construct branches to said road, or to connect with any other railroad that may be constructed: *Provided*, That no such branch shall cross any railroad now in existence, or in progress of construction, excepting the Wilmington and Weldon railroad; any contract that may be entered into with any other railroad company by the president and directors of the said company, after the consent of a majority of the stockholders first obtained, shall be binding on said company; and this act shall be in force from and after its ratification. [*Ratified the 7th day of February, 1859.*]

Chap. 166. AN ACT TO AMEND THE CHARTER OF THE GREENVILLE AND FRENCH BROAD RAILROAD COMPANY.

Counties may
subscribe.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be competent for any county through which said road is intended to pass to subscribe to the capital stock of said company any sum or sums that may be determined on by the court of pleas and quarter sessions of such county, a majority of the justices of the peace of said county being present, and approved by a majority of the lawfully qualified voters of such county, to be ascertained as hereinafter provided.

People to vote.

SEC. 2. *Be it further enacted*, That when the county court of any of said counties shall from time to time determine to subscribe any amount of stock to said company, they shall so declare on the record, and make an order to submit the question to a vote of the people of the county, and said election shall be held at all the election precincts of said county, and at such time or times as said courts shall order, and the court shall appoint judges, and make all needful rules and orders for holding said election, and the sheriff of

such county shall hold the election under the same rules and regulations that govern elections for members of the General Assembly, and all the qualified voters of such county for members of the General Assembly shall be entitled to vote, and those voting for said subscription shall deposit a ballot endorsed "subscription," and those opposed to it shall vote "no subscription," and on comparing the polls the sheriff shall ascertain the number of votes cast for and against said subscription, and shall certify the same to said court, and if a majority of said votes shall have been polled in favor of subscription the chairman of said court shall make the subscription on the books of said company accordingly.

SEC. 3. *Be it further enacted*, That such court may issue County bonds. the bonds of such county as they may determine, bearing interest at any rate, not exceeding seven per cent, on which to raise money to pay such subscription, and may levy the necessary tax to meet the interest of said bonds and to liquidate the principal as it falls due, as they shall judge expedient. [*Ratified the 16th day of February, 1859.*]

AN ACT TO REVIVE THE CHARTER OF A COMPANY TO CONSTRUCT Chap. 167.
A RAILROAD FROM BEAUFORT HARBOR TO FAYETTEVILLE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-* Revives charter.
thority of the same, That an act to incorporate a company to construct a railroad from some point on the waters of Beaufort harbor (to be hereinafter determined) to the town of Fayetteville, through the counties of Carteret, Onslow, Duplin, Sampson and Cumberland, passed at the session of 1854-'55, and ratified on the 16th day of February, 1855, be and the same is hereby revived, and extended to the end of the year 1862.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 168. AN ACT TO AMEND THE CHARTER OF THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAILROAD COMPANY.

Preamble.

WHEREAS, By the act incorporating the Wilmington, Charlotte and Rutherford Railroad Company, the State of North-Carolina binds herself to endorse the bonds of said Company when twenty-five miles of their road shall be completed and in operation, to an amount not exceeding two hundred thousand dollars, and a like amount on the completion of each section of twenty-five miles, except the last, when she endorses to the amount of four hundred thousand dollars, the intention being to endorse bonds to the extent of eight thousand dollars per mile; and, whereas, the bonds of the State will always command a better market price than her endorsed bonds; and, whereas, the purpose of the State was to give aid in the construction of said railroad, and at the same time secure herself against loss or harm. Therefore,

Treasurer to
sell bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the public treasurer is hereby authorized and directed to issue and dispose of for money the coupon bonds of the State of North-Carolina, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form and at such times and places as the public treasurer may direct, for the purpose of raising the funds hereinafter directed to be loaned to the Wilmington, Charlotte and Rutherford Railroad Company.

Bonds of com-
pany.

SEC. 2. *Be it further enacted,* That before the public treasurer shall make any loan to the said company of any of the moneys received upon any of the bonds hereby authorized to be issued and disposed of, the said Wilmington, Charlotte and Rutherford Railroad Company shall deliver to the public treasurer the coupon bonds of said company, bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and disposed of,

and to secure the principal and interest of said bonds, issued by the Wilmington, Charlotte and Rutherford Railroad Company, the State of North-Carolina shall by this act have a lien upon all the estate of said company, both real and personal, which they may now have, or may hereafter acquire, between the town of Wilmington and the terminus of said road at Rutherfordton, including that at both points, together with all the rights, franchises and powers thereunto belonging, or in any way appertaining, or that may hereafter belong or appertain to said company, and which lien shall have preference over all other claims whatever, and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the board of internal improvements, for and on behalf of the State, may enter upon and take possession of all the property hereinbefore specified, and dispose of the same by sale or otherwise, so as to protect the State.

SEC. 3. *Be it further enacted*, That the public treasurer shall issue and dispose of the bonds as hereinbefore directed from time to time, as may be necessary, to make the loans to said company as required by the provisions of this act, and the said loans shall be made in the sums and on the conditions following, to-wit: When it shall be certified by the president of the said Wilmington, Charlotte and Rutherford Railroad Company that twenty-five miles of said road shall have been completed and put in operation, commencing on the bank of Cape Fear, at or near Wilmington, said company shall be entitled to receive two hundred thousand dollars, (\$200,000,) and upon the completion of each succeeding section of twenty-five miles the like sum of two hundred thousand dollars: *Provided*, That when the section before the last shall be completed, the president and directors of said company shall receive the sum of four hundred thousand dollars, as herein provided, unless the last section shall be less than twenty-five miles, and then a deduction shall be made in the amount of the last mentioned sum, in the proportion of two hundred thousand dollars to twenty five miles of road, it being the purpose of this act to sub-

Treasurer to
dispose of
bonds.

stitute the bonds of the State for the endorsement of the State, as required in the charter of said company, to the extent of eight thousand dollars per mile of said road, and not more, and the provisions of this act shall equally extend to that division of said road which lies between the town of Charlotte and the town of Rutherfordton.

Par value.

SEC. 4. *Be it further enacted*, That bonds of the State hereby authorized to be issued shall not be sold for less than their par value.

Certificates to be under oath.

SEC. 5. *Be it further enacted*, That all certificates made, in pursuance of this and previous acts, by the president of this corporation shall be under oath, and the board of internal improvements shall, if they deem it necessary, have power to satisfy themselves by a personal examination of the road, or by taking evidence upon oath, that the said corporation has complied in good faith with the conditions precedent, upon which State bonds are to be issued and disposed of.

SEC. 6. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 7th day of February, 1859.*]

Chap. 169. AN ACT TO AUTHORIZE THE PETERSBURG AND ROANOKE RAILROAD COMPANY TO RUN A NEW ROAD FROM GARYSBURG TO WELDON, AND FOR OTHER PURPOSES.

May construct road.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Petersburg Railroad Company shall have authority to lay out, construct and maintain a railway, from any point on their present road not exceeding three hundred yards north of its intersection with the Seaboard and Roanoke railroad, to and into Weldon, and to erect and keep up a bridge across Roanoke river for the passage of their trains: *Provided*, The said bridge shall not be below the falls of Roanoke near Weldon and not nearer than one hundred yards to the bridge of the Seaboard and Roanoke railroad: *Provided further*, The said

road shall not pass through the yard or garden of any person.

SEC. 2. *Be it further enacted*, That said company shall have authority to have the land over which the said road shall pass condemned and the damages assessed in all respects as is now provided in their charter, but not more than forty feet on each side of said road, measuring from the centre, shall be condemned, except in cases when it is absolutely necessary to occupy more for the construction of said road. May condemn land.

SEC. 3. *Be it further enacted*, That the said company are further authorized to construct, in connection with their said bridge, a way for vehicles and horses over the river, and to charge the same tolls on vehicles and horses for passing over the same as it is lawful to charge for ferriage at Halifax and Moore's ferry, on Roanoke river. Way over river

SEC. 4. *Be it further enacted*, That the said company shall commence the work on the said road within twelve months, and complete the same within two years from the passage of this act, or forfeit the charter.

SEC. 5. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE WESTERN NORTH-CAROLINA RAILROAD COMPANY, PASSED AT THE SESSION OF 1854-'55, AND ALSO AN ACT AMENDATORY THEREOF PASSED AT THE SESSION OF 1856-'57. Chap. 170.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said acts which authorized the survey for, and the construction of, a railroad from Salisbury west, across the Blue Ridge, to a point to be selected under future legislation, on the Tennessee line, and to locate the road accordingly; and whereas, the survey made by the Western North-Carolina Railroad Company has only been finished as far as the French Broad river, near Asheville, leaving the remainder of the line of the road, to the Survey extended.

Tennessee line, to be surveyed and located as provided under the second section of the act of 1854-'55. Therefore,

SEC. 2. *Be it further enacted*, That for the purpose of completing the provisions of the charter, as provided in said section, so as to enable the company to complete the survey and to locate their road, the said company is hereby authorized and required to make a survey for a railroad from the point, near Asheville, to which the survey has already been made, extending west through the valleys of the Pigeon and Tuckasege rivers, to a point on the line of the Blue Ridge railroad, on the Tennessee river, or to the Tennessee line, at or near Ducktown, in the county of Cherokee: *Provided*, That if the company should, upon examination of the route to Ducktown, determine that the route is impracticable, they shall not be required to survey it.

Choice of
routes.

SEC. 3. *Be it further enacted*, That as soon as said survey is completed, as herein provided, the company shall have the right, by and with the consent of the stockholders east of the Blue Ridge, to locate their road either west to connect with the line of the Blue Ridge Railroad, on such terms as the Blue Ridge Company and the Western North-Carolina Railroad Company may agree on, to complete the connection with steamboat navigation on the Tennessee, and railroad connection with the railroads already constructed and in progress of construction, with Knoxville on the Tennessee; Linesville, Cincinnati and Cairo on the Ohio, on the northwest; and with the cities of Chattanooga and Memphis on the west, and with the city of New Orleans on the southwest; or if the company prefer it, they shall have the right to locate said road from the point designated, near Asheville, down the French Broad, and to connect with any company that has been formed or may be formed, to complete the railroad connection with the East Tennessee and Virginia railroads: *Provided*, That the survey shall be paid for out of the appropriation made for the Western North-Carolina Railroad, under the act of 1854-'55: *And provided further*, That the location to be made shall be approved by the next General Assembly, and the next General Assembly be furnished with a report of the survey: *Provided further*, That the said company shall have the right to make

a survey down the French Broad river, through Madison county to the line of the State of Tennessee, at or near Paint Rock, and be paid for out of the appropriation made for the Western North-Carolina Railroad, at the session of 1854-'55.

SEC. 4. *Be it further enacted*, That all acts and clauses of acts coming in conflict with this act, be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

RIVERS AND CREEKS.

AN ACT TO IMPROVE LOWER LITTLE RIVER AND CRANE'S CREEK *Chap. 171.* ABOVE MUNROE'S MILLS.

WHEREAS, The navigation of Lower Little river and Crane's creek, above Munroe's mills, and as far above the same as practicable, would be of important public utility, and many persons are willing to subscribe money to effect the work, and it is just that such subscribers, their heirs and assigns, shall receive reasonable toll in satisfaction of their money, advanced by them to execute the said work, and for the risk they run; Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the county of Cumberland, under the direction of Thos. S. Lutterloh, Esq., Christopher Munroe, Wm. John Kelly, Dr. Alex. Munroe and Arch'd McKeithan, or any three of them; in the county of Moore, under the direction of Daniel McKeithan, Isaac Rowan, Daniel McDonald, N. K. McNeill, William Johnson and W. C. Thogart, or any three of them; in the county of Harnett, under the direction of Robert C. Belden, Samuel Cameron, Hugh A. Cameron, Duncan Morison, Neill Buie, John Smith and Nelson Morison, or any three of them, and at such other places, and under the direction of such other persons as

Preamble.

Books to be opened.

any three of the commissioners heretofore named to superintend the receiving of subscriptions in the county of Cumberland shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of effecting a communication by boats, from some point at or near Thogart's mills, on Little Lower river, in the county of Moore, also at or near McDonald's mills, or Crane's creek, in the county of Moore, to Munroe's mills, and for providing everything necessary and convenient for the purpose of transportation.

Subscriptions.

SEC. 2. *Be it further enacted*, That the time and place for receiving subscriptions shall be advertised in one of the newspapers published in the town of Fayetteville; the books for receiving the same shall not be closed in less than ten days, and if it shall appear that more than five thousand shares of the capital stock aforesaid shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners, or any three of them in the county of Cumberland, to reduce the number of shares subscribed for among the subscribers, in fair and equal proportion to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to five thousand; but if the whole amount shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed, or continued open, or closed and reopened without further notice, as a majority of the above named commissioners at Cumberland county may judge to be most expedient, until the whole number of shares shall be subscribed for.

When incorporated.

SEC. 3. *Be it further enacted*, That when one hundred shares shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company by the name and style of "Lower Little River and Crane's Creek Navigation Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, and personal, and mixed, so far as shall be necessary for the purpose hereinafter mentioned and no further, and shall have perpetual succession,

and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their pleasure, and shall have and enjoy and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do for the purpose mentioned in this act, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of the company.

SEC. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing to the said commissioners, or their agents appointed to receive such subscription, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company. The said commissioners, or their agents, shall forthwith after the first election of president and directors of the company, pay over to the president and directors all moneys received by them, and on failure thereof the said president and directors may recover the amount due by them, or from any one or more of them, by motion, on ten days' previous notice, in the court of pleas and quarter sessions, or the superior court of law, in any county wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of said county.

SEC. 5. *Be it further enacted*, That when one hundred shares or more of the stock shall have been subscribed, public notice of that event shall be given by three or more of the said commissioners at Cumberland county, who shall have power at the same time to call a general meeting of the subscribers at such convenient place and time as they shall name in said notice; to constitute any such meeting a number of persons entitled to a majority of all the votes which could be given upon all shares subscribed shall be present, either in person or by proxy, and if a sufficient number to constitute a meeting do not attend on that day those who do attend shall have power to adjourn from time to time until a meeting shall be formed.

President and
directors.

SEC. 6. *Be it further enacted*, That the subscribers at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a president and five directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the president or any of the directors may at any time be removed, and the vacancy thereby occasioned be filled, by a majority of the votes given at any general meeting. The president, with any two or more of the directors, or, in the event of the sickness, absence or disability of the president, any three or more of the directors, who shall appoint [one of their] own body president *pro tempore*, shall constitute a board for the transaction of business. In case of a vacancy in the office of president or any director happening from death, resignation removal or disability, such vacancy may be supplied by appointment of the board until the next annual meeting.

Rights, &c.

SEC. 7. *Be it further enacted*, That the president and directors of said company shall be and they are hereby invested with all the rights and powers necessary for the construction and repair, with as many locks and dams as they or a majority of them may deem necessary, and also to make and continue all works whatever which may be necessary and expedient in order to the proper completion of the works.

Power to make
contracts.

SEC. 8. *Be it further enacted*, That the said president and directors shall have power to make contracts with any person or persons, on behalf of the company, for constructing said works and performing all other work respecting the same which they shall judge necessary and proper, and to require from the subscribers from time to time such advances of money on their respective shares as the wants of the company may demand, until the whole of the subscription shall be advanced; to call on any emergency a general meeting of subscribers, giving one month notice thereof in one of the newspapers printed in Fayetteville; to appoint a treasurer, clerk and such other officers as they may require, and to transact all the business of the company du-

ring the intervals between the general meetings of the stockholders.

SEC. 9. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the president and directors, or a majority of them, within one month after the same shall have been advertised in one of the newspapers published in the town of Fayetteville, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction and to convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner, or his or her legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the president and directors may recover the balance of the original proprietor or his assignee, or the executor or administrator or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before a justice of the county of which he is a resident, and any purchaser of the stock of the company under the sale, by the president and directors, shall be subject to the same rules and regulations as the original proprietors.

SEC. 10. *Be it further enacted*, That all boats and other property purchased as aforesaid, with the funds of the company, or engaged in the business of transportation on said river or creek, and all the works of the said company constructed or property acquired, under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective stockholders of the company forever, in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatever, for the term of fifteen years, and thereafter the Legislature may impose a tax not exceeding twenty-five cents per annum per share, and [on] each share of the capital stock whenever the annual profits thereof shall exceed six per cent.

To keep boats,
&c.

SEC. 11. *Be it further enacted*, That when this work shall have been completed, the company shall at all times furnish and keep in good repair the necessary boats and other requisites for the safe and convenient transportation of persons and property, and it shall be their duty at all times upon the payment or tender of the tolls hereby allowed, to transport to any depot on the river, which [the] owner of the goods may indicate, and there to deliver all articles which shall be delivered to them for transportation, or offered to them, in proper condition, to be transported at some depot on the river most convenient for the reception thereof.

No undue preference.

SEC. 12. *Be it further enacted*, That they shall give no undue preference in transportation to the property of one person over that of another, but as far as practicable shall carry each in the order of time in which it shall be delivered or offered for transportation, with tolls paid or tendered. If the company or any of its officers or agents shall fail to receive, transport or deliver in due time any property so offered or delivered to them for transportation, or shall fail to take up, or set down any passenger at such convenient point as he or they may desire, upon the payment or tender of the passage money hereby allowed, they shall forfeit and pay to the party so refused, double the amount of the lawful toll paid or tendered; and shall moreover be liable to an action on the case, in which full damages and costs shall be recovered.

Part navigable
may be used.

SEC. 13. *Be it further enacted*, That so soon as any portion of the river or creek hereby authorized may be in readiness for transportation, it shall be lawful for the said president and directors to transport, by their officers or agents, by their contractors under them, persons and property on the same, and they shall have power to charge for the transportation of persons, goods, produce, merchandize and other articles, spirits of turpentine, rosin, tar and lumber, also corn, wheat, peas and other description of farming produce, and cattle, &c., any sum not exceeding the following rates, viz: On persons not exceeding six cents per mile for each person; for the transportation of spirits of turpentine, serape or yellow dip, or any other quality of turpen-

tine, a sum not exceeding eight cents per mile; and corn, wheat, peas, potatoes or other produce, a sum not exceeding two cents per bushel, per mile; and for hay and all other similar articles for a sum not exceeding ten cents per ton, per mile. The said president and directors are furthermore entitled to demand and receive for the weighing, storage and delivering of produce and all other commodities at their depots and warehouses, rates not exceeding the ordinary warehouse rates, charges for such services.

SEC. 14. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said company shall be held at such time and place in each year as the stockholders at their first general or at any subsequent meeting may appoint, to constitute which, or any general meeting called by the president and directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person or by proxy, properly authorized, and if a sufficient number do not attend on that day or any day appointed for a general meeting called by the directors as aforesaid, the stockholders who do attend may adjourn from time to time until a general meeting shall be had.

Annual meetings.

SEC. 15. *Be it further enacted*, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the stockholders.

Accounts to be rendered.

SEC. 16. *Be it further enacted*, That the works hereby required of the company shall be executed with diligence, and if they be not commenced within two years after the passage of this act, and finished within twenty years after the first general meeting of the stockholders, then this charter shall be forfeited.

To be executed with diligence.

SEC. 17. *Be it further enacted*, That if any person or persons shall wilfully, by any way whatever, injure, impair, or destroy any part of the work constructed under this act, or any of the necessary works belonging to the said company, or shall place any obstruction in said river or creek, such person or persons shall be guilty of a misdemeanor, and on conviction thereof in the court of pleas and quarter sessions

Injury to works.

or superior court of law of the county where the offence may be committed, shall be fined and imprisoned at the discretion of the court.

Dividends not
to exceed 20
per cent.

SEC. 18. *Be it further enacted*, That if at any time the above rates of toll and transportation shall enable the said president and directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repair of said works, warehouses, depots, boats, and other works, to divide more than twenty per cent. on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said president and directors as to enable them to divide twenty per cent. and no more.

To continue 99
years.

SEC. 19. *Be it further enacted*, That the corporate powers herein granted shall be and enure for ninety-nine years and no longer unless renewed by competent authority. [*Ratified the 16th day of February, 1859.*]

Chap. 172. AN ACT TO DECLARE PORTIONS OF THE UHARRIE RIVER A SUFFICIENT STREAM FOR A LAWFUL FENCE.

River to be a
lawful fence.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter the Uharrie river, from the upper part of William Burney's land to the line between John Dunbar and Zebedee Rush, William Lewis and Jesse Thornburgh, across said river, in Randolph county, shall be constituted and deemed equivalent to a lawful fence between persons living on each side of said river.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification [*Ratified the 16th day of February, 1859.*]

Chap. 173. AN ACT TO PREVENT MAKING OBSTRUCTIONS IN SWIFT CREEK, IN THE COUNTY OF EDGECOMBE.

Penalty for ob-
structions.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-*

thority of the same, That any person making obstructions in the run of Swift creek, whether the same be the natural channel or made by the adjacent land owners above Williams' mill, in the county of Edgecombe, by throwing earth or marl therein, or by any other manner whatsoever, shall forfeit and pay the sum of one hundred dollars, and if by felling timber therein or by any other manner whatsoever, shall forfeit and pay the sum of fifty dollars, for the common school fund of said county, to be recovered before any justice of the peace, in the name of the chairman of the board of superintendents of common schools.

SEC. 2. *Be it further enacted,* That any slave who violates this act, without direction of his owner or hirer, shall receive not less than fifteen nor more than thirty-nine lashes; and the owner or hirer of said slave shall remove the obstruction in ten days after notice, and failing to do so, any person owning land on the creek aforesaid may cause the same to be done and recover the cost thereof from the owner or hirer of said slave, and a conviction of said slave shall be sufficient evidence to charge the owner or hirer with the duty of removing the obstructions.

Penalty on
slaves, &c.

SEC. 3. *Be it further enacted,* That any person violating this act shall be guilty of a misdemeanor; and the act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO PREVENT THE FELLING OF TIMBER IN THE WATERS OF TUCKAHO AND TRENT RIVERS. *Chap. 174.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person or persons to cut or fell timbers in the above named waters, to wit: Tuckaho and Trent rivers; any where between Tuckaho bridge, in the county of Jones, and where it empties in the Trent, nor in the Trent anywhere between upper Quaker bridge and the town of Pollocksville; and all persons offending against this act shall be guilty of a misdemeanor, and upon the conviction of the same in any

Not to fell timber.

court of record, shall be fined not less than ten nor more than fifty dollars, if a white person, and if a slave or free person of color, shall receive thirty-nine lashes at the public whipping post upon his or her bare back.

Penalty.

SEC. 2. *Be it further enacted*, That all white persons or free negroes offending against the provisions of this act, in addition to the punishment described in the first section of the same, shall be subject to the penalty of twenty-five dollars, to be recovered by any person suing for the same, to be applied one-half to the use of the person suing for the same, and the other half to the use of the county.

SEC. 3. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed. [*Ratified the 21st day of January, 1859.*]

Chap. 175. AN ACT TO AMEND AN ACT ENTITLED AN ACT "TO PREVENT THE CUTTING OF TIMBER INTO THE RIVERS OF CHEROKEE COUNTY," PASSED AT THE SESSION OF 1840.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all the provisions of the recited act, relating to the rivers therein named, shall apply with equal force to Nottla river in preventing obstructions in the same.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 11th day of December, 1858.*]

Chap. 176. AN ACT TO PREVENT THE FELLING OF TIMBER IN THE WATERS OF THE SOUTH FORK OF THE CATAWBA RIVER, IN THE COUNTIES OF CATAWBA, LINCOLN AND GASTON.

Not to fell
timber.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of June, 1859, that no person or persons shall be permitted to

fell timber in the waters of the South Fork of the Catawba river, in the counties of Catawba, Lincoln and Gaston.

SEC. 2. *Be it further enacted*, That any and all persons ^{Penalty.} who shall, knowingly and wilfully, fell timber in the waters of said river, in either prong, in Catawba county, or in the main stream in the counties of Lincoln and Gaston, and shall suffer and permit the same to remain and continue therein for, and during the term of twenty days, shall forfeit and pay the sum and penalty of ten dollars; one-half to be applied to the use of the public buildings in the county in which the offence is committed; the other half to the use of the informer, to be recovered before any justice of the peace in the county where the offence is committed. *[Ratified the 16th day of February, 1859.]*

AN ACT TO PREVENT THE FELLING OF TIMBER IN THE WATERS OF *Chap. 177.*
SECOND CREEK, THIRD CREEK, FOURTH CREEK AND WITHERS'
CREEK IN THE COUNTY OF ROWAN.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Not to fell timber.} *State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of April, 1859, that no person or persons shall be permitted to fell timber in [the] waters of Second creek, Third creek, Fourth creek or Withers' creek, in the county of Rowan.

SEC. 2. *Be it further enacted*, That any and all persons ^{Penalty.} who shall knowingly and wilfully fell timber in the waters of either of said creeks specified in the first section of this act, and shall suffer and permit the same to remain and continue therein, for and during the term of ten days, shall forfeit and pay the sum and penalty of ten dollars, to any person who may sue for the same, before any tribunal in Rowan county having jurisdiction thereof. *[Ratified the 15th day of February, 1859.]*

AN ACT CONCERNING HAW RIVER IN ALAMANCE COUNTY. *Chap. 178.*

SECTION 1. *Be it enacted by the General Assembly of the*

To be a lawful
fence.

State of North-Carolina, and it is hereby enacted by the authority of the same, That Haw river, from the Chatham line to the railroad at Haw river house, in Alamance county, be and the same is hereby declared a water course sufficient instead of a fence.

SEC. 2. *Be it further enacted,* That the act of Assembly of 1854-'55 making said river a lawful fence from the Chatham line to Shallow Ford, in Alamance county, be and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

ROADS.

Chap. 179. AN ACT TO LAY OFF AND IMPROVE THE ROAD FROM THE ELKIN FACTORY TO ENOCH VANNOY'S MILL, IN WILKES COUNTY.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Milton Vannoy, Richard Gwynn, Harden Spicer, John Crouse and Thomas Bryan be and they are hereby appointed commissioners to view and lay off a public road, or make such improvements on the old road as in their judgment may seem best, commencing at the Elkin factory, in Surry county, and running by the Little Elkin bridge or by John Crouse's, and then the most direct and best way to Trap Hill, in Wilkes county, and then by old Roaring River meeting house, to Pleasant hill, thence to the long bottom at John Alexander's, by Daniel Brown's, John Blevin's, Jackson Blevin's, Daniel Long's, and down Mulberry creek to Enoch Vannoy's mill.

To lay off road. SEC. 2. *Be it further enacted,* That it shall be the duty of the commissioners, after taking an oath, to lay off said road for the greatest public convenience and with due regard to public as well as private property, to enter on and discharge the duties assigned them at as early a time as practicable, and after they have laid off said road and

marked it they shall make a report in writing of the same, to the county courts of Surry and Wilkes counties, of so much of the road as may be in each county.

SEC. 3. *Be it further enacted*, That when the commis- Overseers.
sioners aforesaid shall have made reports to the county courts of said counties, and the same shall have been confirmed by the courts aforesaid, twelve magistrates being on the bench, it shall be the duty of the county courts of Surry and Wilkes to appoint overseers and assign to them such number of hands as are now liable to work on public roads as may be necessary to complete said road.

SEC. 4. *Be it further enacted*, That the hands assigned Hands to work
road.
under this act by the courts, shall be notified by the overseers in the same manner as notices are now required to be given by law to hands liable to work on public roads; and in case of failure on the part of said hands to work, they shall be liable to the same penalties as are now imposed by law in case of failure to work on public roads.

SEC. 5. *Be it further enacted*, That the commissioners Damages.
shall have power to assess damages, whenever there may be any injury done to private property, and the counties shall be liable respectively for the same.

SEC. 6. *Be it further enacted*, That it shall be the duty of Compensation.
the county courts of the aforesaid counties, to allow the commissioners named in this act such compensation for their services as to them may seem proper.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF 1856 Chap. 180.
AND 1857, CHAPTER 79, ENTITLED "AN ACT TO LAY OFF
AND ESTABLISH A PUBLIC ROAD IN THE COUNTIES OF DAVIE
AND DAVIDSON, AND TO ESTABLISH A PUBLIC FERRY ACROSS
THE YADKIN RIVER."

Be it enacted by the General Assembly of the State of Repeals former
law.
North-Carolina, and it is hereby enacted by the authority of
the same, That an act passed at the session of 1856 and '57,

entitled "an act to lay off and establish a public road in the counties of Davie and Davidson, and to establish a public ferry across the Yadkin river," be and the same is hereby repealed. [*Ratified the 16th day of February, 1859.*]

Chap. 181. AN ACT TO IMPROVE THE PUBLIC ROAD FROM WILKESBORO' TO JEFFERSON, BY WAY OF PHILLIP'S GAP.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That G. F. McNeil, M. S. Stokes and Caleb R. Phillips, be and they are hereby appointed commissioners to view, to lay off, alter and amend that part of the public road leading from Wilkesboro' to Jefferson by way of Phillip's gap, as lies between Samuel Reeve's, in Wilkes county, and the town of Jefferson, in Ashe county.

Appropriation. SEC. 2. *Be it further enacted,* That for the purpose of effecting said alterations and amendments the sum of one thousand dollars is hereby appropriated, to be paid by the public treasurer to the said G. F. McNeil, M. S. Stokes and Caleb R. Phillips out of any moneys remaining in the public treasury not otherwise appropriated.

Contracts. SEC. 3. *Be it further enacted,* That it shall be the duty of the commissioners aforesaid to let to contract so much of said road as the sum hereby appropriated will construct, and make report in writing to the county courts of Wilkes and Ashe counties containing a full and perfect statement of the amendments and alterations proposed by them, and the manner in which the money appropriated has been expended.

Overseers, &c. SEC. 4. *Be it further enacted,* That in case the sum hereby appropriated shall not be sufficient to complete the improvements and alterations proposed, it shall be lawful for the county courts of Wilkes and Ashe counties to appoint overseers, and allot hands within their respective counties to complete said road as laid off, altered and amended by the commissioners aforesaid, and in case of failure to work upon said road, the hands so failing or refusing to work shall be subject to the same liabilities, penalties and forfeitures

as are now imposed by law upon hands for failure to work upon public roads in this State.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid shall receive as compensation for their performance of the duties imposed by this act not exceeding two dollars per day for the time employed, to be allowed by the county courts [of] Wilkes and Ashe counties, one-half to be paid by each of said counties out of the county funds. Compensation.

SEC. 6. *Be it further enacted*, That the said commissioners, before entering upon the duties herein imposed, shall take an oath before some justice of the peace for Wilkes or Ashe counties for the faithful discharge of their duties, and shall execute a bond payable to the State of North-Carolina in the sum of two thousand dollars, conditioned for the proper application of the money appropriated by this act, which bond shall be approved by the county court of Wilkes, and deposited with the clerk of said court, which bond, in case of breach of the conditions of the same, may be sued upon and recovery have [had] thereon by the county solicitor for said county, and any sum so recovered shall be applied under the direction of said court for the construction and improvement of the road aforesaid. Oath to be taken.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the 16th day of February, 1859.*

AN ACT FOR THE IMPROVEMENT OF THE ROADS IN THE COUNTIES OF HENDERSON, BUNCOMBE, MADISON AND YANCY. Chap. 182.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for the county courts of Henderson, Buncombe, Madison and Yancy, respectively, a majority of the justices being present, at the first court of pleas and quarter sessions, which shall be held in each of the counties aforesaid, after the first day of January in each and every year, to appoint some suitable person as engineer, whose duty it shall be to examine all the public roads in such county, or such of them as said Person to examine roads.

county courts may determine, and to recommend such alterations and amendments as he may deem expedient.

To view and
lay out roads,
&c.

SEC. 2. *Be it further enacted*, That in any of the counties adopting this system, it shall not be competent for said court to order any jury to view, lay out, alter, amend or discontinue any public road in said county; but the engineer or person so appointed, shall have all the power and authority to survey, grade and locate any and all public roads in such county, that said court may adjudge require alterations, amendments, discontinuation or laying out anew, and his report shall have all the force and effect that reports of juries have heretofore had: *Provided*, That this act shall not in any way interfere with the power of the court to receive, hear and determine any petition for the establishment, alteration, amendment or discontinuance of any public highway, as heretofore provided by law.

Persons ag-
grieved.

SEC. 3. *Be it further enacted*, That in case any person or persons, through whose lands any public roads shall pass, shall conceive that he or she has been injured by the alteration, amendment or laying out any public highway under this act, that they shall have the right to file a petition in writing before said court, setting forth their said grievances; upon the hearing of which, the court shall order a disinterested jury of twelve freeholders, whose duty it shall be to assess such damages (if any) and report the same in writing to the ensuing term of said court, whereupon it shall be the duty of said court to order the payment of such damages out of the county fund as now provided by law.

Court to fix
compensation.

SEC. 4. *Be it further enacted*, That it shall be the duty of said court to fix the compensation to be paid to said engineer or person, for his services by the day or otherwise, as agreed on by the court and said engineer, which said compensation shall be paid out of the county fund. [*Ratified the — day of —, 1859.*]

Chap. 183. AN ACT TO ESTABLISH A PUBLIC ROAD IN THE COUNTY OF MADISON.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-*

thority of the same, That A. J. Ramsy, Moses Roberts, Jackson West, John Roberts, Esq., Wm. Rice and Joseph Rice, of the county of Madison, be and they are hereby appointed commissioners to lay off and establish a public road, beginning at Moses Roberts', on Walnut creek, and crossing Walnut mountain to Joseph Rice's, all in said county of Madison.

SEC. 2. *Be it further enacted*, That the said commissioners, To open books. or a majority of them, be authorized and empowered to open books of subscription in such places in the county of Madison as they may deem proper, on giving thirty days' notice, and when the sum of two hundred dollars shall have been subscribed by individuals and secured to be paid, either in money or labor to be performed for reasonable compensation in the completion of said road, then the commissioners aforesaid shall be empowered to commence said road, either under their own superintendence, or by letting out contracts for the same to the lowest bidder.

SEC. 3. *Be it further enacted*, That when the said commissioners shall certify to the treasurer of the Asheville and Greenville Plankroad Company, that before entering on the discharge of their duties, they have taken the oath herein-after provided for, and shall have furnished to said treasurer of said Asheville and Greenville Plankroad Company the certificate of the magistrate administering said oath to said commissioners, under his seal as a justice of the peace, and shall further certify to said treasurer the said road has been completed, and that the two hundred dollars have been paid, either in money or labor expended in the completion of said road, then it shall be the duty of the treasurer of said Asheville and Greenville Plankroad Company to pay such commissioners the sum of five hundred dollars, as the same shall be declared due, from time to time, as the dividends accruing to the State, on the stock held in the said Asheville and Greenville Plankroad Company. When certificate made.

SEC. 4. *Be it further enacted*, That the sum of five hundred dollars of the first dividends on the State's stock in the Asheville and Greenville Plankroad Company be and the same is hereby appropriated to the purpose aforesaid, \$500 appropriated. subject to the foregoing conditions.

To take oath.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid, before commencing said road, or letting out contracts for the same, shall take an oath before some justice of the peace for the county of Madison, faithfully to discharge their duties in strict accordance with the provisions of this act. [*Ratified the 16th day of February, 1859.*]

Chap. 184. AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY AT THE SESSION OF 1852-'53, ENTITLED AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE ROAD FROM REDDIE'S RIVER TO THE TENNESSEE LINE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That section 5th of an act passed by the General Assembly of North-Carolina at the session of 1852-'53, entitled an act to provide for the improvement of the road from Reddie's river to the Tennessee line, and ratified on the 25th day of December, 1852, be amended by striking out the word "six" whenever it appears in said section, and inserting the word "eight."

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 4th day of January, 1859.*]

Chap. 185. AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF THE GENERAL ASSEMBLY OF 1854-'55, ENTITLED AN ACT TO APPOINT COMMISSIONERS TO LAY OFF AND IMPROVE THE PUBLIC ROAD, LEADING FROM BROWN'S FORD ON THE YADKIN, IN WILKES COUNTY, TO WITHERSPOON'S FORD IN CALDWELL COUNTY.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John F. Ferguson and Joseph W. Hackett of Wilkes county, and Ed. W. Jones, David E. Horton and Col. W. A. Lenoir, of Caldwell county be, and they are hereby appointed commissioners to view and lay

off such alterations and improvements in the road, leading from Brown's ford on the Yadkin, in Wilkes county, to Witherspoon's ford on the same stream in Caldwell county, as they or a majority of them may deem advisable.

SEC. 2. *Be it further enacted*, That before the commissioners aforesaid, shall enter upon the duties of their office, they shall take an oath before some justice of the peace of either of the counties above named, that they will lay off the said road the best and most convenient way, having due regard to private property as well as to the public good, and that the said commissioners shall have power to assess the damages any individual may sustain by the construction of said road, such damages to be paid by the county in which the lands damaged are situate, as other county claims are now paid. To take an oath.

SEC. 3. *Be it further enacted*, That the commissioners aforesaid, when they shall have completed the duties herein assigned them, shall make to the county courts of their respective counties a full report, in writing, of all their proceedings, designating therein as nearly as practicable all the alterations and improvements proposed by them. To make report.

SEC. 4. *Be it further enacted*, That the county courts of the respective counties aforesaid, a majority of the acting justices of the peace being present and concurring in said report, shall appoint as many overseers and designate as many hands as they may deem necessary to make the alterations and improvements suggested by the commissioners aforesaid, which overseers and hands shall be duly notified in the manner now prescribed by law, and for failure to work or perform their duties as required by this act, shall be subject to all the fines and forfeitures now imposed for similar failures by the existing law, which shall be recovered in the same way, and when so received shall be applied to the improvement of the hereinbefore named road, as similar recoveries are now applied to the improvement of the public roads in this State. Overseers, &c.

SEC. 5. *Be it further enacted*, That when the alterations and improvements hereinbefore provided for shall be completed, they shall form a part of the public roads between the points first above mentioned, and shall be kept in repair To form part of public roads.

as other parts of the same road, and as other public roads in this State are now kept in repair.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after the 1st day of March next.

SEC. 7. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be and the same are hereby repealed. [*Ratified the 16th day of February, 1859.*]

Chap. 186. AN ACT TO LAY OFF AND ESTABLISH TWO ROADS.

Commissioners *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John C. Brown and William Murphy, of McDowell county, be and they are hereby appointed commissioners to lay off a public road leading from the town of Marion, McDowell county, up to the North Fork of the Catawba, and crossing the Blue Ridge near the "winding stairs," thence down Three Mile creek, in Yancy county, and intersects with the Yellow Mountain road, at or near Lodrick Oaks, on to the river. Also, a road leading from Three Mile creek to Childsville; and this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 187. AN ACT TO IMPROVE THE PUBLIC ROAD LEADING FROM WILKS-BORO' TO JEFFERSON.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That M. S. Stokes, Richard Hicks and Calvin J. Cowles, be and they are hereby appointed commissioners to alter and amend so much of the public road leading from Wilksboro' to Jefferson as lies between the town of Wilksboro' and the Deep Ford Hill on Reddie's river.

Duty of commissioners. SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioners, within six months from and after the

passage of this act, to make all such alterations of said road as to them may seem proper, by laying off and marking the same, and make report thereof under their hands and seals to the first term of the county court of Wilkes county which shall thereafter happen.

SEC. 3. *Be it further enacted*, That upon confirmation of said report it shall be the duty of said court to appoint overseers and designate and order out hands to work upon said road as laid off and marked by the commissioners aforesaid, and all such hands, or in case of slaves, the owners thereof shall be subject to the same penalties and forfeitures for failure to work as are now imposed by law for failures to work upon public roads in this State. Overseers, &c.

SEC. 4. *Be it further enacted*, That the said commissioners shall receive for their services such compensation not exceeding two dollars per day for each day employed, as the county court may allow, to be paid by the county trustee out of the county funds. Compensation.

SEC. 5. *Be it further enacted*, That in case the said commissioners shall refuse or neglect to perform the duties herein imposed within the time prescribed in this act, they and each of them thus refusing or neglecting shall forfeit and pay the sum of fifty dollars, which may be recovered by action of debt in the county or superior courts of this State in the name of any person who may sue for the same, one-half of which recovery shall be for the benefit of the poor of the county and the other half for the use of the person suing for the same, and this act shall be in force from and after its ratification. [*Ratified the 8th day of January, 1859.*] Penalty for neglect.

SAVINGS INSTITUTE.

AN ACT TO INCORPORATE THE "HILLSBORO' SAVINGS INSTITUTE." Chap. 188.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Webb, George Laws, James F. Cain, Charles M. Latimer, William F. Strayhorn, Body politic.

William H. Brown, James C. Turrentine, P. B. Ruffin, Wm. A. Graham, Paul C. Cameron, H. C. Strowd, Pride Jones, James Webb, Josiah Turner, T. B. Hill, J. U. Kirkland, and all and every other person or persons hereafter becoming members of the Hillsboro' Savings Institution, to be located in the town of Hillsboro', in the county of Orange, shall be and are hereby created and made a corporation and body politic, by the name and style of the "Hillsboro' Savings Institution," and by that name shall have succession, and be capable in law to hold and dispose of real and personal property, by deed or otherwise, to sue and be sued, plead and be impleaded, answer and defend and be answered and defended in courts of law and equity, or of any other place whatsoever, and to receive and make all deeds, transfers, contracts, conveyances and grants whatsoever, and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provision of this act: *Provided*, The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be requisite for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Meeting of
members.

SEC. 2. *Be it further enacted*, That there shall be a meeting of the members of the Hillsboro' Savings Institution on the first day of April next, or at any other time, and at such place as the persons above named, or any three of them, shall appoint and give at least ten days' notice in some one or more newspapers published in Hillsboro', and on the first Monday in January, and at such place annually thereafter as the by-laws of said institution shall provide, for the purpose of choosing among the members seven directors to manage the affairs of said institution for twelve months thereafter, and until a new election shall take place: *Provided*, That each election shall be made within one month from the expiration of the term for which the preceding directors shall have been elected; and three mem-

bers first named above, or upon their refusal or neglect to act, any three named in this act shall be judges of the first election of directors, and the judges of all future elections shall be appointed, and notice of such election given in such manner as the by-laws shall provide.

SEC. 3. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to elect a President from their own body, or from among the other members, to appoint all such officers, agents and servants as they shall deem necessary to conduct or expedite the business of said institution, to fix their compensation and in their discretion to dismiss them, to provide for the taking of bonds to said institution from all or any of the officers, agents or servants, by them so appointed, with security, conditioned in such form as they shall prescribe for the faithful execution of their several duties, and so secure the corporation from loss, to regulate the manner of making and receiving deposits, the form of certificates to be issued to depositors and the manner of transferring stock in said institution, to provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall or may be necessary to the exercise of the said powers, and of the powers vested in said corporation by this charter, and the same by-laws to alter and repeal: *Provided*, That all such by-laws, as may be made by the directors, may be altered and repealed by a majority of the members of said corporation assembled at any annual meeting, or of any general meeting called in pursuance of any by-law made for that purpose, and a majority of the members may, at any general meeting or annual meeting, pass by-laws which shall be binding upon the directors: *Provided*, That such by-laws shall not be contrary to the laws of this State or of the United States.

President and
other officers.

SEC. 4. *Be it further enacted*, That said corporation shall be capable of receiving from any person or persons, or bodies corporate or politic any deposit or deposits of money,

May receive
deposits.

and it shall have full power to invest its funds in notes, bonds, bills of exchange, gold and silver, public stock or other securities, at the discretion of the directors, in the manner by them deemed most safe and beneficial and the same to buy and sell: *Provided*, That nothing herein contained shall be so construed to authorize this corporation to issue any bill, note or other device in the nature of a bank note or certificate of deposit.

Deposits to be repaid.

SEC. 5. *Be it further enacted*, That such deposits shall be repaid to each depositor when required, at such times and with such interest and under such regulations as the board of directors shall from time to time prescribe, which regulations shall not be altered so as to effect any one who may have been a depositor previous to such alteration, and all certificates or evidences of deposit made by the proper officer, shall be as effectual to bind the corporation as if they were under the common seal thereof.

Minors, &c.

SEC. 6. *Be it further enacted*, That when any deposit shall be made by any person being a minor, the corporation may pay to such depositor any such sum or sums as may be due to him or her, at their discretion, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor, and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor.

Committee of examination.

SEC. 7. *Be it further enacted*, That it shall be the duty of the directors, at least once in every six months, to appoint five competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make and publish a report thereof in one or more newspapers printed in Hillsboro', or in the State, and it shall be the duty of the directors, on the first day of January and on the first day of July in each and every year, to make and declare a dividend of the interest and profits of the said corporation after paying its expenses, and the same to pay over unto the stockholders or their legal representatives within ten days thereafter if called on.

Debtors.

SEC. 8. *Be it further enacted*, That no stockholder who is a debtor to the corporation, shall be permitted to trans-

fer his stock until such debt be paid, or otherwise secured to the satisfaction of the directors, who are hereby authorized to sell and transfer the same, if the debt is not paid.

SEC. 9. *Be it further enacted*, That in all discounts or loans to be made by said corporation, it shall not take more than the rate of interest established by the laws of the State of North-Carolina, which interest shall be taken in advance, at the time of making such loans. Rate of interest

SEC. 10. *Be it further enacted*, That the concerns of the institution hereby incorporated, shall at all times be subject to the inspection of the treasurer of the State, or of such other officers or agent of the State as may be selected for that purpose by the General Assembly. Subject to inspection.

SEC. 11. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, until an additional capital is authorized by the General Assembly, and that the power is hereby reserved to the General Assembly, from and after the year eighteen hundred and ninety, to dissolve said corporation. Capital stock.
[Ratified the 16th day of February, 1859.]

SEMINARIES, SCHOOLS, &c.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE TRUSTEES OF GRAHAM INSTITUTE, A SEMINARY OF LEARNING IN THE COUNTY OF ALAMANCE," PASSED, A. D., 1851. Chap. 189.

WHEREAS, Graham Institute has been purchased by a joint stock company, with the view of enlarging, endowing and establishing it as a college under the control of the Christian denomination, South : Preamble.

SECTION 1. *Therefore be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Alfred Iseley, John Fancett, P. R. Harden, Bennett Hazell and Willis Sellars, and their successors, duly elected, as hereinafter directed, be and they are hereby made, constituted and declared to be a corporation and body politic and corporate in law and in fact, to Body politic.

have continuance fifty years, by the name, style and title of "The Trustees of Graham College," for the purpose of educating and training youths in the different branches of learning, arts and sciences, and said corporation shall have power to hold, receive, possess and convey property, real, personal and mixed, not exceeding two hundred thousand dollars

Board of trustees.

SEC. 2. *Be it further enacted*, That the members of the joint stock company aforesaid shall, at their regular annual meetings held in accordance with their articles of agreement, elect a board of trustees of not less than five nor more than twenty-one members to hold office for one year, or until their successors shall have been duly appointed.

Votes.

SEC. 3. *Be it further enacted*, That the stockholders in said joint stock company shall vote by ballot for members of said board of trustees, casting one vote for each share of twenty-five dollars stock: *Provided*, That no one stockholder shall cast more than eight votes on his own account, but all absent stockholders may vote with the above limitations by proxy.

President, &c.

SEC. 4. *Be it further enacted*, That the board of trustees so elected shall have authority to elect a president, professors and tutors, and establish a preparatory school in connection with the college, and under the same control and management, and that the president, professors and tutors aforesaid shall constitute a faculty, having full power to make and enforce laws, rules and regulations for the government of the college and preparatory school, and by and with the consent of a majority of the trustees, confer all such degrees or marks of literary distinction as are usually conferred in colleges or universities.

Estate.

SEC. 5. *Be it further enacted*, That the whole amount of real and personal estate belonging to said corporation shall not at any one time exceed in value the sum of two hundred thousand dollars.

Exempt from taxation.

SEC. 6. *Be it further enacted*, That said real and personal estate shall be exempt from taxation: *Provided*, That whenever the said college shall hold or possess lands exceeding in quantity one hundred acres, it shall, for such excess, pay into the public treasury the usual tax.

SEC. 7. *Be it further enacted*, That said corporation shall be entitled to all the privileges and powers granted to corporations in chapter 26th of Revised Code. Privileges, &c.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws heretofore enacted coming in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 9. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 21st day of January, 1859.*]

AN ACT TO INCORPORATE THE JONESTOWN MALE AND FEMALE HIGH SCHOOLS, IN THE COUNTY OF YADKIN. Chap. 190.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Richard Gwyn, R. W. George, A. N. Tomlin, F. A. Harris, W. B. Woodruff, F. E. S. Morrison, Thomas Maxwell, be and they are hereby ordained and constituted a body corporate, forever, to be known by the name of "The Trustees of Jonestown Male and Female High Schools," and by that name shall have perpetual succession; and they and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, and shall take, demand and receive any property, real or personal, any moneys or other things which shall be given for the use of said high schools, and the same to apply accordingly, and by gift, purchase or devise, to take, have, possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatever nature or kind soever, to be applied for the benefit of said high schools, and said corporation shall at no time hold a larger amount of property than four hundred thousand dollars. Body politic.

SEC. 2. *Be it further enacted*, That no person or persons shall sell or barter any spirituous liquors, except to be used for mechanical, or medical, or chemical purposes, within one-half mile of said schools, and any person who shall violate this prohibition shall be deemed guilty of a misdemeanor, and shall forfeit and pay five dollars for every spirituous liquors.

✓ offence so committed, recoverable on a warrant before a magistrate; and the said fines when collected, half to go to the use of the female library, and the other half to go to the use of the town corporation. [*Ratified the 15th day of February, 1859.*]

Chap. 191. AN ACT TO INCORPORATE THE TRUSTEES OF THE KENANSVILLE FEMALE SEMINARY.

Body corporate SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Osborne Carr, James Dickson, Dickson Mallard, James E. Hall, Robert B. Carr, James B. Carr and James M. Sprunt, now constituting the session of the Grove Presbyterian church, together with Owen R. Kenan, Isaac B. Kelly, Chauncy W. Graham and William E. Hill, be and they are hereby ordained and constituted a body corporate forever, to be known by the name of the "Trustees of the Kenansville Female Seminary," and by that name shall have perpetual succession, and they and their successors, or a majority of them by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, and shall take, receive and hold any property, real or personal, and any moneys or other things whatsoever, which have been or shall be given, purchased or granted for the use of said seminary, and the same to apply accordingly, and by gift, purchase, devise or otherwise, to take, have and possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatsoever nature or kind soever, to be applied or held for the benefit of said seminary.

Teachers. SEC. 2. *Be it further enacted,* That the said trustees, or a majority of them, shall have power to appoint from time to time such teachers as to them shall appear necessary, also a treasurer and secretary upon such conditions and with such restrictions as they may deem proper; and the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of said

seminary and for the preservation of order and discipline therein as they may deem necessary.

SEC. 3. *Be it further enacted*, That the seven trustees Trustees.
first herein named, to wit: Osborne Carr, James Dickson, Dickson Mallard, James E. Hall, Robert B. Carr, James B. Carr and James M. Sprunt shall be trustees of the Kenansville Female Seminary so long as they shall continue to be members of the session of the Grove Presbyterian Church, and no longer; and that every member of said session, now and hereafter forever, shall be ex-officio a trustee of said seminary, having equal power and authority with the trustees hereby appointed.

SEC. 4. *Be it further enacted*, That upon the death, removal, inability or refusal to act, or resignation of any of the four trustees last named in the first section of this act, to wit: Owen R. Kenan, Isaac B. Kelly, Chauncy W. Graham and William E. Hill, it shall be lawful for the remaining trustees, or a majority of them, to elect other trustee or trustees in the room of such as die, remove, refuse to act, or resign, and the trustee or trustees so elected shall have equal power and authority with the trustees hereby appointed. To fill vacancies.

SEC. 5. *Be it further enacted*, That said trustees, or a majority of them, shall have power to make such regulations and by-laws as are usual in such seminaries. Resignations, &c.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified — day of —*, 1859.]

AN ACT TO INCORPORATE THE JONES COUNTY MALE AND FEMALE *Chap. 192.*
SEMINARY IN THE COUNTY OF JONES.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the authority of the same, That G. W. Simmons, F. Foy, J. K. Bender, R. Barrns, R. Oldfield, C. D. Foy, J. D. Haskett and J. A. Barrns, and their successors and associates, be and they are hereby constituted a body politic and corporate, to be known and designated by the name and style of

the Trustees of the Jones County Male and Female Seminary, and by that name shall have succession and a common seal, and shall sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall be capable in law of holding lands, tenements and chattels sufficient for all purposes of said seminary.

By-laws, &c.

SEC. 2. *Be it further enacted*, That the corporation shall have power and authority to make all by-laws, rules and regulations that shall be necessary for the good government of said seminary and the management of the property and finances of the same; also, to fill vacancies among the trustees from time to time occasioned by death, resignation or otherwise, and also appoint such officers as they may think proper.

Teachers.

SEC. 3. *Be it further enacted*, That said trustees shall have power to appoint all teachers in said seminary, to fix the rates of tuition, and to do and perform all such acts as are incidental to and usually exercised by bodies politic and corporate, not inconsistent with the constitution and laws of the State, for the accomplishment of the objects contemplated.

Quorum.

SEC. 4. *Be it further enacted*, That a majority of said trustees shall constitute a quorum for the transaction of any business connected with said seminary.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 193. AN ACT TO INCORPORATE THE TRUSTEES OF KNAP OF REEDS MASONIC CLASSICAL SCHOOL, IN THE COUNTY OF GRANVILLE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joseph Woods, A. M. Veazy, John Reed, Logan Umstead, Dr. Alexander Fleming and Dennis Tilly, be and they are hereby declared to be a body politic and corporate by the name and style of the "Trustees of the Knap of Reeds Masonic Classical School," and by that name shall have succession and a common seal, and

shall have power to sue and be sued, to plead and to be impleaded in any court of law in this State, and to acquire, purchase, have and to hold all such lands and tenements, chattels and moneys as may be necessary for the said institution, according to the will of the donor or donors thereof.

SEC. 2. *Be it further enacted*, That the said trustees, or a majority of them, shall have power to fill all vacancies which may occur in the number by death or other causes, and to pass such laws and regulations as shall be necessary for the government and good morals of the said institution. Vacancies.

SEC. 3. *Be it further enacted*, That no license to retail spirituous liquors at the site or within half a mile of said institution shall be granted, and if granted the same shall be void. No license to retail.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE PITT COUNTY FEMALE INSTITUTE. *Chap. 194.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Peter E. Hines, John May, James W. May, Alfred Moye, Joseph N. Bynum, Josiah Barrett, Lemuel DeBerry, Lambert P. Beardsley, Wm. J. Moye, and all others who are, or may hereafter become, stockholders, be and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of "Pitt county Female Institute," and by that name shall have perpetual succession and a common seal, and shall be vested with power and authority and be capable to sue and be sued, plead and be impleaded, either in law or in equity, and to acquire, hold, possess, enjoy and sell both real and personal estate, and shall have all other privileges and powers to which corporations of the kind are entitled. Body politic.

SEC. 2. *Be it further enacted*, That said seminary shall be under the management of a president and board of trustees, and that said board of trustees shall be constituted of all the stockholders or their assigns. How managed.

Quorum.

SEC. 3. *Be it further enacted*, That those holding a majority in interest of the stock, shall constitute a quorum for the transaction of business, each share being entitled to one vote, and that the stockholders, their successors and assigns shall have power and authority to fix their annual and other meetings, to appoint and elect all such officers, professors and teachers as to them shall seem necessary, and to make all such by laws, rules and regulations for the government of said seminary, for the preservation of good order, and for the sale and transfer of the stock, as to them may seem expedient and necessary, not inconsistent with the constitution and laws of this State and of the United States.

President, &c.

SEC. 4. *Be it further enacted*, That the stockholders, a majority of the stock being represented, shall elect a president who shall hold his office for such time as shall be previously provided by the by-laws of the corporation, and said president and all other officers shall continue in office until their successors shall be duly appointed.

Capital stock.

SEC. 5. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of twenty-five thousand dollars, in shares of twenty-five dollars each; that the land on which the building of said corporation shall be erected, not exceeding one hundred acres in quantity, and the improvements thereon, shall be exempt from taxation.

Degrees.

SEC. 6. *Be it further enacted*, That the president and the faculty, with a majority in stock of the trustees, shall have power to confer degrees or testimonials of merit on such, as by their literary acquirements, may deserve the honors of their institution.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 195. — AN ACT TO INCORPORATE THE WILSON FEMALE SEMINARY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joshua Barnes, John Farmer, Robert Bynum, William Barnes, Richard Blount and John

Dew, their associates and successors, be and they are hereby constituted a body politic and corporate, under the name and style of the Wilson Female Seminary.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be thirty thousand dollars, with privilege to increase it to fifty thousand dollars; and the shares shall be each one hundred dollars. And the said stock shall be transferred under such rules and regulations as a majority of the stock may adopt. Capital stock.

SEC. 3. *Be it further enacted*, That the said Josh. Barnes, John Farmer, Robert Bynum, William Barnes, Richard Blount and John Dew, be and they are hereby authorized to open books of subscription to the stock of said seminary at such times and places, and under such regulations as they or a majority of them may adopt, the said parties or a majority of them acting as commissioners, and when the sum of ten thousand dollars is subscribed the stockholders may organize under this act. To open books.

SEC. 4. *Be it further enacted*, That the said stockholders, their associates and successors, or those owning a majority of the stock, may annually appoint a board of visitors to attend the examinations of said school, and the said board, with the president and professors of said school, on the recommendation of the said president and professors, shall have power to confer such degrees and marks of distinction as are usually conferred in female schools, seminaries and colleges. Board of visitors.

SEC. 5. *Be it further enacted*, That said school shall never be sectarian or denominational; that is, the doctrines which distinguish one denomination of christians from another, shall not be taught, nor shall the religious faith of any pupil ever be interfered with.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification, and this corporation shall be entitled to all the privileges conferred on corporations by the 26th chapter of the Revised Code, entitled "Corporations," not inconsistent with the foregoing provisions, and this charter shall continue for fifty years. [*Ratified the 16th day of February, 1859.*]

Chap. 196. AN ACT TO INCORPORATE THE TRUSTEES OF REYNOLDSON MALE INSTITUTE, IN THE COUNTY OF GATES.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Quentin H. Trotman, Edward Howell, William H. Lee, William Manning, their associates and successors, be and they are hereby declared to be a body politic and corporate, to be known and designated by the name of "The Trustees of Reynoldson Male Institute," situated at Reynoldson, in the county of Gates, and by that name shall have perpetual succession, and shall hold, acquire, receive and hold such monies, chattles and lands as may be necessary to accomplish the purposes of the institution.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after the ratification thereof. [*Ratified the 16th day of February, 1859.*]

TOWNS.

Chap. 197. AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF NEWBERN, IN THE COUNTY OF CRAVEN, AND FOR THE BETTER REGULATION OF THE SAME.

Extends corporate limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the corporate limits of the town of Newbern shall be extended as follows, to wit: Beginning at the intersection of the present town boundary (Queen street) with the channel of Neuse river, and running from thence up and with said channel to a line known in Price's plan of said town, as the line between Edward Griffith's and John Stanly's land; then with said line running parallel with Queen street, S. 59°, W. 80 poles to the eastern line of Dryboro', then with said line of Dryboro' N. 35½°, W. to the north side of the northermost street of said Dryboro', known in said plan of the town as Cypress street, then with said north side of said street S. 89¼°, W. to the northwest

corner of said Dryboro', then with the west line of the westernmost street of said Dryboro' to its intersection with the north line of Cedar street as laid down in said Price's plan, then with the north line of said Cedar street, extended S. $89\frac{1}{4}^{\circ}$, W. till it intersects with the west side of End street, extended then with the west side of End street, extended S. $4\frac{1}{2}^{\circ}$, E. to the intersection of Queen street with the west side of said End street, then with said Queen street (the present boundary) to the beginning, as by reference to the said plan of the town of Newbern and Dryboro' and the adjoining lands, made for the commissioners of the town of Newbern by Jonathan Price, will more fully appear.

SEC. 2. *Be it further enacted*, That the commissioners of the town of Newbern shall, within six months after the ratification of this act, employ a competent surveyor to plant stones at each and every corner of the town limits taken in by the foregoing section, and shall cause to be designated on one of the plans of said town (made by Jonathan Price) the lines corresponding to the aforesaid limits, which entire plan shall be enrolled in the office of the county court of Craven county, which enrollment or a copy thereof shall be received as legal evidence in any court of justice in this State, of the corporate limits of said town of Newbern.

Surveyor to
plant corner
stones.

SEC. 3. *Be it further enacted*, That all persons who now are or hereafter may be residing within the limits described in the first section of this act, shall be entitled to all the privileges and immunities, and be subject to all the rules and regulations which those who now are or hereafter may be residents of the town of Newbern, within its present corporate limits.

Privileges, &c.

SEC. 4. *Be it further enacted*, That the town of Newbern shall hereafter consist of six wards: the first shall begin at the southeast corner of the court house, in said town, and run thence southwardly along the east side of Middle street, to Trent river; thence down said river, to Neuse river, at Union point; thence up Neuse river to the south side of Broad street; thence up the south side of Broad street to the beginning, and shall be styled the First ward. The second shall begin at the northeast corner of the court

Wards.

house, and run thence eastwardly along Broad street to Neuse river; thence up Neuse river to Queen street; thence along Queen street to its northeast intersection with Graves street; thence along the east side of Graves street to its junction with Middle street; thence along the east side of Middle street to the beginning, and shall be styled the Second ward. The third shall begin at the southwest corner of the court house, and run thence southwestwardly along the west side of Middle street to Trent river; thence up said river to George street; thence up George street, along the east side thereof, to Broad street; thence along the south side of Broad street to the beginning, and shall be styled the Third ward. The fourth shall begin at the northwest corner of the court house, and run thence westwardly along the north side of Broad street to George street; thence along the east side of George street to Queen street; thence along the south side of Queen street to Graves street; and along the west side of Graves street to Middle street; and along the west side of Middle street to the beginning, and shall be styled the Fourth ward. The fifth shall begin at the southwest corner of Broad and George streets, and run from thence along the south side of Broad street to Queen street; then along the south side of Queen street to End street; then along End street to Lawson's creek; then down Lawson's creek to Trent river, and down Trent river to George Street; then along the west side of George street to the beginning, and shall be styled the Fifth ward. And the sixth shall embrace within its limits all that part included in the 1st section of this act, together with so much as shall lie between the north side of Broad street and the west side of George street, and shall be styled the Sixth ward.

Commissioners

SEC. 5. *Be it further enacted*, That one commissioner for said town of Newbern shall be elected from each of the wards above set forth by the inhabitants thereof, who shall have been a resident of each ward for three months next preceding the election; and in other respects eligible to be a commissioner according to the laws now in force, and each inhabitant of said town, now entitled by law to vote in the election of commissioners, shall be entitled under this

act to vote for the commissioners to be elected for the ward in which said voter resides and no other.

SEC. 6. *Be it further enacted*, That in addition to the Mayor. election of six commissioners for the town of Newbern, as set forth in the preceding section, a mayor shall be elected by the qualified voters of the whole town, and the same laws with regard to the eligibility of commissioners shall also determine and be in force with regard to the eligibility of the mayor, and each voter who is entitled under the present law to vote for commissioners shall also be entitled to vote for the mayor, and that the law relative to commissioners of said town refusing to qualify and serve as such shall apply to the mayor.

SEC. 7. *Be it further enacted*, That the sheriff of the Elections for Mayor. county of Craven, in holding the annual election for the mayor and commissioners, shall provide a box with seven apartments, designated by the names of the wards, and the names of mayor, in which shall be deposited respectively the ballots of the inhabitants of said wards, and the mayor and commissioners thus elected shall be subject to the same penalties and restrictions, and vested with the same powers, privileges and exemptions as the commissioners of the said town now are.

SEC. 8. *Be it further enacted*, That the sheriff of the Ten days notice. county of Craven shall give ten days' notice of the election to be held for mayor and commissioners of the town of Newbern, and shall attend in person or by his lawful deputy, with inspectors, and at the time now prescribed by law, and in all particulars conforming to the law now in force, under the penalty imposed against him by law.

SEC. 9. *Be it further enacted*, That each voter shall upon Ballots. his ticket have written or printed, 'for the mayor,' or 'for commissioner' as the case may be; and if upon opening the ballot box, the inspectors should find two or more names upon any ticket or two tickets rolled together, in either of these cases it shall be adjudged void and not be numbered among the ballots.

SEC. 10. *Be it further enacted*, That if among the In case of a tie. persons voted for as mayor, there shall be an equal number of votes between any two or more having the largest number

the commissioners elect shall, within four days after their qualification, select a mayor of such persons; and in case of death, removal, or resignation, the commissioners shall supply the vacancy caused thereby, and the mayor before entering on the duties of his office, shall take the oath for commissioners of said town.

Power of mayor.

SEC. 11. *Be it further enacted*, That the mayor shall be chosen from any one of the wards of said town set forth in the fourth section of this act; that he shall, within the corporate limits of said town, have all the powers and authority of a justice of peace to preserve and keep the peace, and may cause to be arrested and detained, criminals who fly to the town from other States or counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences, all persons so offending against the laws of the State, or against the laws, ordinances and regulations of the corporation. He shall also have within the same limits, as a judicial officer, all the powers, jurisdiction and authority of a justice of the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules which may be made by the commissioners: *Provided, nevertheless*, That he shall not have jurisdiction of cases of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless especially allowed by this act.

Precepts.

SEC. 12. *Be it further enacted*, That the mayor may issue his precepts to constables of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Minutes of precepts, &c.

SEC. 13. *Be it further enacted*, That the mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings; the judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the county of Craven, and elsewhere, in the same manner and by the

same means as if the same had been rendered by a justice of the peace for the county of Craven.

SEC. 14. *Be it further enacted*, That the mayor shall keep his office in some convenient part of the town, designated by the commissioners, and shall attend daily at the hour of nine o'clock in the morning. to dispose of such cases as may be reported to him by the proper officers. He shall keep the seal of the corporation, and shall perform such duties as shall from time to time be prescribed, and shall receive for compensation a salary to be fixed by the commissioners, not exceeding five hundred dollars. Office of mayor

SEC. 15. *Be it further enacted*, That the mayor when present shall preside at all the meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote; he shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties. Mayor to preside.

SEC. 16. *Be it further enacted*, That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided; within five days after their election they shall convene for the transaction of business and shall fix their days of meeting for the year, which shall be as often at least as once a month. The special meetings of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor or all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing. Commissioners to form board.

SEC. 17. *Be it further enacted*, That if any of the commissioners shall fail to attend a general meeting, or any special meeting of which he shall have notice as aforesaid, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of two dollars. Failure to attend.

SEC. 18. *Be it further enacted*, That the commissioners shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for Ordinances, &c

the government of the town, as they may deem necessary :
Provided, The same be allowed by the provisions of this act, and be consistent with the law of the land.

Streets, &c.

SEC. 19. *Be it further enacted*, That the commissioners of said town are hereby authorized and empowered to lay out and establish such streets within the corporate limits of said town (as are embraced by this act) as to them shall seem to be required for the comfort and convenience of the citizens of said town and from time to time as to them shall seem necessary, shall cause such streets so laid out and established to be opened, and when the same are so opened, all laws and clauses of laws, and all ordinances of said commissioners now or hereafter to be made in reference to the streets of said town, shall apply to and have full force and effect over and within each one of said streets so established and opened ; and they shall be further empowered to straighten, widen or close such streets as they shall deem necessary to the general good of said town, and in conformity with some general plan for the laying out and extending the town to the outer limits provided for by this act.

Right of way
for streets.

SEC. 20. *Be it further enacted*, That in all cases in which the owner or owners of the land which may be necessary for any streets proposed to be established, to be straightened, widened or closed by such commissioners by virtue of this act, shall claim compensation for the use of such land as a street, or for damage done said owner or owners by the straightening, widening or closing of such street, the mayor of said town shall issue his warrant to the sheriff of the county of Craven, commanding him to summon twenty freeholders, citizens of said town, who are unconnected by consanguinity or affinity with the owners of the lands required for such streets, or with the owners of the lands in the vicinity of the same, to meet at the court house of said county at a day to be named in said warrant, when and where the said sheriff by himself or his lawful deputy, shall proceed from the persons summoned to draw a jury of twelve persons, to each and every one of whom, the said sheriff, or any one of his deputies is hereby authorized, empowered and required to administer the following oath, to wit : I do solemnly swear that I will fairly and impartially,

and to the best of my skill, assess the damages that may be sustained by the owner or owners of any land in the town of Newbern required to be used for any street, or part of any street to be established and opened by the commissioners of said town, or the damage sustained by the owner or owners of land adjacent to any street proposed by said commissioners to be closed, and which I may be called on to view." And the said jury attended by the sheriff, or one of his deputies, shall thereupon proceed to view the land required for such street or streets, the straightening, widening or closing of the same, required by this section, and also the several lots or parts of lots adjacent to or in the vicinity thereof, and shall be required by the said sheriff or his deputy, who shall have the jury in charge, to make the assessments required by their oath as aforesaid, and return the same to the sheriff or his deputy, who shall therefrom reduce his proceedings under the said warrant from the mayor of said town, and the verdict and proceedings of such jury to writing and return the same to the said mayor, who shall file the same in the office of the commissioners aforesaid, and upon payment or tender of payment by the commissioners aforesaid, through their treasurer to the owner or owners of the land required for any street as aforesaid, or the damages done by the closing of such street as aforesaid, of the damages to each owner or owners assessed as aforesaid, it shall and may be lawful and right, and the said commissioners are hereby authorized and empowered to cause such street or streets to be opened and kept open, closed and kept closed, and the same shall forever thereafter be possessed by and vested in such commissioners, and it shall be the duty of the said sheriff to give the owners and tenants in possession of any land required for any of the aforementioned purposes, at least ten days' notice of the time when such land so owned or possessed by them respectively as aforesaid shall be viewed, and when the assessment as aforesaid shall be made by the jury as hereinbefore provided; and it shall be the duty of said commissioners to give public notice by advertisement in one or more newspapers published in said town, of the opening, straightening, widening or closing of any street, so published by them as

aforesaid, and any person or persons who shall make claim of compensation for the use of land belonging to them as such street, or for damages done them by straightening, widening or closing such street one year after the same shall have been opened, widened, closed or straightened, and the aforesaid notice in manner aforesaid given, shall be forever thereafter barred of any right to such compensation, unless the owner or owners of such land shall be an infant, absent from this State, *non compis mentis*, or a *feme covert*, in which case such owner or owners shall have the right to make such claim at any time within one year after such disability shall be removed, and the said commissioners shall have the right by their agents or servants to enter upon and open, and to keep open any street established by them, except in such cases when the land required for such street shall be enclosed or some building or improvement shall be situated thereon, in which case the said commissioners shall have no right of entry on such land, until the same has been condemned as is hereinbefore provided, and the damages assessed have been paid or tendered to the owner or owners of the same.

Pay of sheriff.

SEC. 21. *Be it further enacted*, That the sheriff of the county of Craven shall be entitled to the sum of five dollars to be paid by the commissioners of said town in full payment for the general services to be performed by him as hereinbefore set forth under such warrant to him directed, by virtue whereof a jury shall be summoned as aforesaid, and if any person summoned to attend as juror, for the purposes aforesaid, shall fail to attend and discharge the duties required of him as aforesaid, such person so failing shall pay the sum of two dollars, to be collected by the sheriff aforesaid, by distress or otherwise, for the use of the commissioners of said town, unless such juror shall have good cause for such failure shown to said commissioners be released from the payment of such sum.

May appeal.

SEC. 22. *Be it further enacted*, That either party who may be dissatisfied with the verdict rendered by the jury to assess damages, as provided for in the 20th section of this act, shall have the right to appeal to the county or superior court of the county of Craven.

SEC. 23. *Be it further enacted*, That the police officer, or town constable, or town sergeant, who now is, or may hereafter be appointed by the commissioners of said town, shall have and he is hereby invested with all the powers, rights, privileges and immunities now by law invested in sheriffs and constables, as well as in the execution of all process to him directed by the mayor of said town, and in the execution of any duty imposed on him by any statute in reference to said town, or by any ordinance of the commissioners of said town, but also as a general peace officer within the limits of said town.

SEC. 24. *Be it further enacted*, That it shall be the duty of the guard of patrol of said town, who may be appointed by the commissioners of said town, to see that the ordinances and police laws in reference to said town are enforced, and to report all breaches thereof to the mayor of said town, to preserve to the peace of said town by suppression of disturbances, and the arrest of offenders, and for these purposes they shall severally have all the powers by law vested in sheriffs and constables as peace officers.

SEC. 25. *Be it further enacted*, That the commissioners of said town shall be vested with full power to make such ordinances as to them shall seem necessary to restrain, prohibit and prevent any slave or free person of color from loitering in or about any shop or store in said town, or from sitting down or remaining longer in such store or shop than while actually engaged in purchasing such articles as they may be lawfully authorized to procure, or from entering into any inner room connected with such store or shop, and said commissioners by fines and penalties to be imposed on the owners or keepers of such shops or stores, and by fines and corporal punishment to be imposed or inflicted on slaves or free persons of color, may secure and enforce obedience to such ordinances as shall be made under the provisions of this section.

SEC. 26. *Be it further enacted*, That all fines and penalties incurred by the breach of any law or ordinance in reference to said town by any minor, shall be recovered from the parent, guardian or master (if an apprentice) of such minor so offending.

How recover-
able.

SEC. 27. *Be it further enacted*, That all fines, forfeiture and penalties of any nature and kind imposed by any statute in reference to said town, or which now is, or hereafter may be imposed by any ordinance or ordinances of the commissioners of said town, shall be recoverable in the name of the commissioners of said town before any jurisdiction having cognizance of the fine, forfeiture or penalty which may be incurred by any breach or violation of any such statute or any such ordinance.

Penalties, &c.

SEC. 28. *Be it further enacted*, That the commissioners of said town shall have power to impose, levy and collect fines, penalties for all offences against a violation of their ordinances or by-laws now existing, or which may be hereafter passed, to an amount not exceeding fifty dollars for each offence or violation, to be recoverable by warrant issued by and returnable before the mayor of said town: *Provided, however*, That either party who may be dissatisfied with the judgment of said mayor upon giving security as is prescribed in other cases of appeal from the judgment of a justice of the peace shall have the right to appeal to the county or superior court of Craven county, as such party praying such appeal may select, or all such fines and penalties as are now in force by virtue of this act, or heretofore or hereafter made by said commissioners, be recoverable before any jurisdiction having cognizance of the same by the laws of the State.

Subjects for
taxation.

SEC. 29. *Be it further enacted*, That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the town constable or sergeant, instantly, and if the same be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

(1) Upon all itinerant merchants, or pedlars, vending or offering to vend in the town, a tax of five dollars a year, except such as sell only book, charts or maps, and such as sell only goods, wares or merchandise and other productions of the growth and manufacture of this State.

(2) Upon every billiard table, bowling alley, or other game allowed by law, and every victualling house or restaurant, established, used or kept in the town, a tax not exceeding twenty-five [dollars] a year.

(3) Upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding fifty dollars.

(4) Upon every company of eirens riders who shall exhibit within the town, a tax not exceeding fifteen dollars for each separate exhibition; the tax to be paid before exhibition, and if not to be double.

(5) Upon every person or company exhibiting in the town, stage or theatrical plays, sleight of hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding ten dollars for every twelve hours allowed for exhibition; the tax to be paid before exhibition, or the same shall be double.

(6) Upon every exhibition for reward of artificial curiosities, (models of useful inventions excepted,) in the town, a tax not exceeding ten dollars; to be paid before exhibition, or the same shall be double.

(7) Upon each show or exhibition of any other kind, and on each concert for reward and every strolling musician, a tax not exceeding five hundred dollars; to be paid before exhibition otherwise to be double: *Provided nevertheless*, That no property or subject of taxation which are especially exempted from taxation shall [not] be taxed by the town.

SEC. 30. *Be it further enacted*, That all moneys arising from taxes, donations or other sources, shall be paid to the treasurer of the town, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners. To whom paid.

SEC. 31. *Be it further enacted*, That the commissioners of said town may provide grave yards in or near said town, and regulate the same, may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and they may prohibit interments within the town. Grave yards.

SEC. 32. *Be it further enacted*, That the commissioners of said town shall not have power to impose, for any offence, a larger penalty than twenty-five dollars, unless the same No penalty over \$25.

be expressly authorized; and from any judgment of the mayor, for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal, in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Partition
fences.

SEC. 33. *Be it further enacted*, That all partition fences between the lots of individuals of said town, and occupied by both parties or their tenants, or the same being beneficial to both parties, shall be at their joint expense, and either party so putting up or repairing such fence, may recover out of the owner or owners of such lot or lots adjoining, the ratable proportion of such expense of such fence: *Provided, however*, That the same does not exceed a common board fence, six feet high.

Act to be ac-
cepted.

SEC. 34. *Be it further enacted*, That this act shall be accepted by the commissioners of said town, within three months from and after the ratification thereof, else it shall be of no effect; if accepted, the acceptance thereof shall be recorded on the minutes of the corporation, and signed by the commissioners who may be present, and attested by the intendent of police, and thereupon the commissioners shall proclaim the same in the newspapers of the town.

SEC. 35. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and they are hereby repealed, and all laws and clauses of laws, rules, regulations and ordinances of said town, not heretofore repealed nor conflicting with this act shall remain in full force.

SEC. 36. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 198.

AN ACT CONCERNING THE TOWN OF WILMINGTON.

Tax collector,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Wilmington shall annually appoint a tax collector who shall

collect all such taxes as may be laid or imposed by the commissioners of said town, and such tax collector shall have all the rights, powers, privileges and immunities in the collection of said taxes as are now by law vested in the sheriffs of the several counties of this State in the collection of taxes imposed by the county courts; and such officer shall further have all the other rights and powers now by law vested in the town constable or police officer of said town. He shall be required to give bond with good and sufficient security payable to the commissioners of said town in such sum as they may prescribe, that he shall faithfully collect, account for and pay over to said commissioners all such taxes as may be laid by them, or which may be due to them, and that he will faithfully perform all such other duties as may be required of him by said commissioners. That said commissioners may remove such tax collector from office at any time they may consider the interest of said town will be promoted by such removal.

SEC. 2. *Be it further enacted*, That said tax collector shall collect the taxes laid by said commissioners in such amounts and proportions, and at such times as said commissioners may prescribe and require, and on all sums due for taxes to said town or to the commissioners of said town and which shall remain unpaid for three months after the same are due and payable, demand having been made for the same, said tax collector shall charge and collect interest at the rate of ten per cent. per annum from the expiration of said three months until the same are paid, and said commissioners may lay and impose the taxes in said town at such times during the months of January and February of each and every year as to them may seem expedient.

To collect taxes.

SEC. 3. *Be it further enacted*, That the sale of any personal estate distrained for taxes by such tax collector shall be advertised ten days previous to such sale in one of the newspapers published in said town, and the amount of the taxes, and by whom due, shall be stated in such advertisement. The sale of land for any taxes which may be due by the owner of such land shall be made by such tax collector under the following rules: He shall, twenty days before any such sale, by advertisement in some one of the newspapers

Sales for taxes.

published in said town, set forth the number of the lots as designated on the plan of said town, the whole or any part of which he intends to sell, the name of the owner of such lot or part of a lot if the owner be known, and if the owner be unknown the name of the last known or reputed owner, the amount of taxes for which such land is to be sold, and at the time and place of the proposed sale; no sale of land for any taxes shall be made sooner than three months after such taxes have been laid or imposed, or later than three years thereafter, and the tax due on any lot is hereby declared to be a lien on the same, and the expenses attending the advertisement and sale of any lot shall be chargeable on the same, and raised at the sale; the whole lot belonging to any delinquent shall be set up for sale at the same time, and he shall be deemed the purchaser who will pay the amount of taxes and expenses due for the smallest part of the land. The said tax collector, within ten days after the sale by him of any lands for taxes, shall return to the mayor of said town a list of the lots or part of the lots actually sold, the quantity of each lot bought and to be laid off, the name of the purchaser, and the sum paid to him for taxes and charges, which list, or a copy thereof, shall be recorded in a proper book to be kept by said commissioners, and which shall at all times be open to inspection by any citizen of said town.

May redeem.

SEC. 4. *Be it further enacted*, That the owner of any land sold for taxes as aforesaid, or the heirs, executors or administrators of such owner, or any person for him or them, may redeem the same within one year after the sale by paying or tendering payment to the purchaser, or to the treasurer of said town, the full amount of the price paid by such purchaser to the tax collector, and twenty-five per cent. thereon.

If not redeemed.

SEC. 5. *Be it further enacted*, That if the lands so sold shall not be redeemed within the period aforesaid, the purchaser may then select the quantity of land struck off to him out of any part of the body of the lot of which the same was bid off, the said quantity to be laid off in one body, as nearly in a square as may be practicable, and adjoining two of the outlines of the whole lot offered for sale;

and the quantity of land so selected by such purchaser shall be surveyed, and a plot of such survey made by the surveyor appointed by the commissioners of said town, or by one of the surveyors of the county of New Hanover, in the mode prescribed in the 95th section of the 99th chapter of the Revised Code.

SEC. 6. *Be it further enacted*, That if the land sold as aforesaid shall not be redeemed within the time specified, the mayor of said town, upon receiving from the purchaser a certified plot of the same, shall convey by deed, under the corporate seal of said commissioners, in fee, to the purchaser and his assigns, the land described in such plot; and the recitals, in all such conveyances of land so sold for taxes, that the taxes were due, or of any other matter required to be true or done before such conveyances might be made, shall be *prima facie* evidence that the same were true and done.

Mayor to convey title.

SEC. 7. *Be it further enacted*, That no person, other than such persons as may have a license to retail spirituous liquors in said town, shall retail in said town, by any measure less than one gallon, any lager beer, ale, porter or any other malt liquor, by whatever name the same be called, unless such person shall have obtained from the commissioners of said town a license so to do, and the said commissioners shall have the same power and authority, in reference to the retailers as aforesaid, of lager beer, ale, porter or other malt liquors, and to the license to retail the same, which said commissioners now have as to retailers of spirituous liquors, and to licenses to retail the same; and if any person shall retail in said town any of the liquors referred to in this section, without having a license so to do, he shall be deemed guilty of a misdemeanor, and may be indicted in the county or superior court of the county of New Hanover, and on conviction shall be fined not less than the amount of the tax charged, at the time of such conviction by said commissioners on licenses to retailers of malt liquors; and any such person shall further forfeit and pay to the commissioners of said town, the sum of one hundred dollars.

Retail licensees.

May lay taxes.

SEC. 8. *Be it further enacted*, That the commissioners of said town may lay such annual taxes, as to them may seem expedient, on all horses, mules and dogs, and on every omnibus, sulkey, gig, buggy, barouche, carriage, cart, dray, wagon or other vehicle, kept or employed in said town, and said commissioners may divide said subjects of taxation into such classes, and discriminate between such classes in the amount of the taxes imposed as to said commissioners shall seem reasonable and right.

Certificates of stock.

SEC. 9. *Be it further enacted*, That the commissioners of said town may dispose of the certificates of the stock of said town, which are authorized to be issued by the 8th section of the act of the General Assembly of this State, entitled "an act to empower the commissioners of the town of Wilmington to establish streets in said town, and for other purposes," ratified the 18th day of January 1855, below their par value: *Provided*, Said certificates shall not be disposed of at a discount exceeding ten per cent. on the par value of the same, and neither said certificates nor the interest or dividends accruing on the same, shall be subject to any tax.

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its ratification [*Ratified the 16th day of February, 1859.*]

Chap. 199. AN ACT TO ENLARGE THE POWERS OF "THE COMMISSIONERS OF THE TOWN OF TARBOROUGH," SO AS TO AUTHORIZE AND TO ORGANIZE AND KEEP UP A MORE EFFICIENT FIRE ENGINE COMPANY IN SAID TOWN.

Fire engine company.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Tarborough be, and they are hereby authorized and empowered to organize and keep up a fire engine company for the protection of the buildings in said town, in the following manner: the commissioners shall annually, on the first Monday in May, appoint and enroll not exceeding thirty-six of the white male residents of the town, between the

ages of eighteen and forty-five years, to serve as firemen for one year; and they shall at the same time appoint the time and place for the first meeting of the company, and without delay notify the persons thus appointed of their enrollment and of the time and place appointed for the first meeting of the company, by any constable of the town, whose return in writing may be read to prove the notice; and the commissioners shall have authority at any time during the year to fill any vacancy which may occur by reason of death, removal or incapacity to serve. The fire engine company, when organized, shall be governed by such rules, regulations and by-laws as the commissioners may adopt: *Provided however*, That the commissioners shall not be authorized to require the company to meet oftener than once every month for the purpose of examining and working the engines, nor shall they have power to impose a greater fine than five dollars against any member of the company for any omission of duty.

SEC. 2. *Be it further enacted*, That no person shall be enrolled in said company who may be physically or mentally unable to discharge the duties of a fireman, neither shall any person be enrolled therein oftener than each alternate year, unless it be done with his consent in writing. Enrollments.

SEC. 3. *Be it further enacted*, That any person subject to enrollment as a fireman under this act, may exempt himself for two years by paying twelve dollars into the treasury of said town, for the use of the town. Exempted by paying \$12.

SEC. 4. *Be it further enacted*, That each member of the fire engine company shall be exempt, during his term of service, from all militia duties, except in cases of invasion or insurrection; from serving on court juries of the regular panel, and from the payment of town capitation tax. Exempt from militia duty.

SEC. 5. *Be it further enacted*, That all acts and clauses of acts coming in conflict with this act, be and they are hereby repealed so far as they relate to the town of Tarborough. *[Ratified the 21st day of January, 1859.]*

Chap. 200. AN ACT TO INCORPORATE THE TOWN OF WINSTON, IN THE COUNTY OF FORSYTH.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the town of Winston, in the county of Forsyth, be and the same is hereby incorporated.

Powers, rights,
&c.

SEC. 2. *Be it further enacted,* That the town of Winston is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter 111 Revised Code, entitled "Towns."

Boundaries.

SEC. 3. *Be it further enacted,* That the town of Winston shall be bounded as follows: On the south by the boundry line of the town of Salem; on the north by a line one-fourth of a mile distant from, and parallel with the northern line of the present town of Winston or court-house tract; on the west by a line running parallel with the streets of Winston, and twelve hundred and seventy-eight feet from the centre of the court house; and on the east by a line running parallel with the western boundary, and one-half of one mile distant therefrom.

SEC. 4. *Be it further enacted,* That the commissioners of the said town of Winston shall never have the power to levy or collect taxes on the land lying within the corporate limits of their town belonging to E. A. DeSchweinitz, whilst the said DeSchweinitz, his heirs or assigns hold the same in his present fiduciary capacity.

Retail licenses.

SEC. 5. *Be it further enacted,* That the county court of Forsyth county shall not grant a license to any person to retail spirituous liquors by a measure less than a quart within the corporate limits of said town, unless such person shall first have presented to the court a recommendation in writing signed by a majority of the acting commissioners of said town, and requesting said court to grant a license to such person. [*Ratified the — day of February, 1859.*]

AN ACT TO AMEND THE ACT OF INCORPORATION OF THE TOWN *Chap. 201.*
OF ELIZABETH CITY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the 6th section of an act, entitled “an act for the improvement of Elizabeth City in the county of Pasquotank,” as authorized the mayor of said town to receive compensation for his services, be and the same is hereby repealed. Repeals part of law.

SEC. 2. *Be it further enacted,* That the mayor of the corporation of Elizabeth City shall be paid from the funds of the corporation the sum of two hundred dollars a year as a salary. Pay of mayor.

SEC. 3. *Be it further enacted,* That the said corporation of Elizabeth City shall have power to appoint from time to time, and for such time as it may deem expedient, one or more persons as assistant constable or constables of said town, whose powers and duties and compensation for services shall be the same as those of the regular constable now authorized to be appointed, except the powers and duties and compensation for services connected with the collection of the taxes imposed by the corporation. Assistant constables.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

AN ACT TO INCORPORATE THE TOWN OF GOLD HILL IN THE *Chap. 202.*
COUNTY OF ROWAN.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the town of Gold Hill, in the county of Rowan be, and the same is hereby incorporated by the name and style of “the Town of Gold Hill,” and the boundaries of said corporation are hereby declared and established as follows, to wit: Beginning at a stake on the southwest side of the Salisbury road, near A. C. Earnharts; thence west to the west branch of Little Buffalo creek; Incorporated.

thence down said creek to the Cabarrus county line; thence east with said county line to a stake near Long creek; thence north to a stake in the fork of the Beatties ford and Salisbury road; thence with said Salisbury road to the beginning, about one and a fourth of a mile square; and the same shall be subject to all of the provisions contained in the one hundred and eleventh chapter of Revised Code.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the 15th day of February, 1859.*]

Chap. 203. AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WILLIAMSTON, AND FOR OTHER PURPOSES.

Corporate
limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Williamston, in the county of Martin, be extended according to the following metes and bounds, to wit: Beginning at the north corner of First and Main streets, opposite a water oak, and running thence across Joseph Knight's field south $32\frac{1}{2}^{\circ}$, east 87 poles, to Gibson's line; thence south $56\frac{3}{4}^{\circ}$, west 82 poles to a corner in Gibson's line opposite the lots of Samuel Hatton and W. W. Ward; thence south $47\frac{1}{2}^{\circ}$, west 122 poles, to a stake on the new road leading to Jamesville; thence north 71° , west 33 poles, to a stake nearly opposite the lot of S. W. Harrell, and on the west side of the upper street in Elmington; thence north 35° , west 140 poles, along the west side of said street to a stake near William Wyatt's; thence north $56\frac{1}{2}^{\circ}$, east 225 poles, to a stake in A. C. Williams' field, thence a straight line to the beginning.

Mayor.

SEC. 2. *Be it further enacted*, That at the next regular election for commissioners, the qualified voters of said town may, in like manner, and for the same time as the commissioners are elected, elect a mayor, who shall be a resident citizen of the town, and shall exercise all the powers and jurisdiction conferred on similar officers of incorporated towns, by the 111th chapter of the Revised Code.

SEC. 3. *Be it further enacted*, That all unimproved farm lands, or lands not laid off into town lots, included within the corporate limits of the said town, and all negroes worked exclusively on the same, are hereby exempted from any taxes which may be levied by the board of commissioners for said town. Exemptions.

SEC. 4. *Be it further enacted*, That the corporation aforesaid shall have the right of way to the Roanoke river, and may construct a public street at least sixty feet wide, from some point on the southwestern boundary of said town, to the river aforesaid; and all damages and expenses thereby incurred shall be paid by said town, the damages to be assessed by five discreet freeholders, to be appointed by the county court. Right of way.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHARLOTTE. Chap. 204.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the board of commissioners of the town of Charlotte are hereby authorized and empowered to appoint annually, at their first regular meeting in each year, or as soon thereafter as practicable, a weighmaster, whose duty it shall be to weigh all cotton sold in said town of Charlotte, and an inspector, whose duty it shall be to inspect all flour, provisions, forage and other marketable produces sold in said town in their judgment requiring weighing or inspection, and said board are empowered to combine the two offices under one appointment. Weighmaster.

SEC. 2. *Be it further enacted*, That the board of commissioners are hereby authorized and empowered to regulate the fees to be paid for such inspection and weighing, Fees.

and by whom to be paid, and to make and establish all necessary ordinances to carry out said regulations, to impose fines for violations of such ordinances, to be collected as other fines now laid by board of said town.

To give bond.

SEC. 3. *Be it further enacted*, That said inspector and weigh master shall give bond with approved security to the board of commissioners, in the sum of five hundred dollars, for the faithful discharge of his duties, and shall take the oath of inspection before entering upon the duties of the office, and that the board of commissioners shall have power to remove him for misbehavior, neglect or malpractice in office, and appoint a successor in his stead. *[Ratified the 16th day of February, 1859.]*

Chap. 205. AN ACT TO INCORPORATE THE TOWN OF LEICESTER IN THE COUNTY OF BUNCOMBE.

Incorporated.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the town of Leicester, in Buncombe county, be and the same is hereby incorporated by the name and style of "The Town of Leicester," and the boundaries of said corporation shall extend one mile in every direction from the building known as Bascom College. *[Ratified the 16th day of February, 1859.]*

Chap. 206. AN ACT TO AMEND THE ACT OF INCORPORATION OF THE TOWN OF EDENTON.

Election of officers.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That on the first Monday in April in each and every year three fire wardens, one magistrate of police, one treasurer of the town, and one constable of the town, shall [be] chosen for the town of Edenton by the qualified voters for commissioners of said town in such manner and form as now obtains in the choice of said commissioners, each of whom, (the magistrate of police except-

ed,) before entering upon the duties of his office, shall take the oath now prescribed for said commissioners.

SEC. 2. *Be it further enacted*, That should any one of said officers, before the annual election, resign, die or remove from town, such vacancy shall be supplied as follows: In such event a commissioner, a magistrate of police, a treasurer or a constable, shall be chosen by the commissioners, and a fire warden by the remaining fire wardens. Vacancies.

SEC. 3. *Be it further enacted*, That nothing in this act shall be so construed as to relieve the aforesaid magistrate of police, treasurer or constable of any duty, obligation or requirements heretofore imposed upon such officers of the town of Edenton by law.

SEC. 4. *Be it further enacted*, That hereafter every citizen of the town of Edenton shall be eligible to any office in said town whether he be a freeholder or not. Eligible to office.

SEC. 5. *Be it further enacted*, That the fire wardens of the town of Edenton, be and they are hereby authorized to appoint any number of persons residing in the said town, not exceeding fifty, to constitute a fire company, to remove any person so appointed, upon sufficient cause shown, to fill any vacancy that may occur, to establish such ordinances, rules and regulations for the government of such company as they may deem expedient, not inconsistent with the laws of the State, and of the United States, and to enforce the observance of said ordinances, rules and regulations by laying fines and penalties not exceeding twenty-five dollars for each offence, which shall in all cases be recovered by warrant, in the name of the commissioners of the town, issued by the magistrate of police upon information, or by any justice of the county of Chowan in the absence of the former. Fire company.

SEC. 6. *Be it further enacted*, That the persons so appointed shall, while they continue to act as firemen, be exempt from the performance of militia duty, except in cases of insurrection or rebellion, or while the United States may be engaged in war with a foreign power. Exempt from militia duty.

SEC. 7. *Be it further enacted*, That all persons aiding in the extinguishment of any fire in said town shall, while so engaged, act under the direction of the fire wardens or Penalty.

officers of the fire company, under the penalty of five dollars for every neglect or refusal; and whenever on any such occasion in the judgment of any two or more of said fire wardens, it may become necessary to prevent further and serious conflagration, such officer or officers shall, and they are hereby declared to have full power and authority to direct and cause any house or houses, or other buildings to be abated, blown up with powder or otherwise destroyed, and shall not be held or deemed responsible or liable therefor.

SEC. 8. *Be it further enacted*, That all laws and ordinances of the town of Edenton, whether passed by the General Assembly or by the commissioners of said town, contrary to the spirit and meaning of the provisions of these amendments, be and they are hereby declared to be of no further force nor effect, but all laws and ordinances reconcilable with them continue unrepealed.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after the first day of March in the year eighteen hundred and fifty-nine. [*Ratified the — day of February, 1859.*]

Chap. 207. AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF STATESVILLE.

Extension of
limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That chap. 244, sec. 1 of an act passed by the General Assembly at its session of 1854-'55, entitled "an act to amend an act passed at the General Assembly of 1846-'47, entitled an act to incorporate the town of Statesville," be and the same is hereby amended so as to extend the corporate limits of said town, from the point where the main street, running from Statesville to the depot of the Western North-Carolina railroad crosses the present boundary of said town two hundred and fifty feet upon each side of said street, and extending from thence in a direct line to the said depot of the Western North-Carolina rail-

road, and including the same with all buildings thereto attached.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of December 1858.*]

AN ACT FOR THE INCORPORATION OF THE TOWN OF MOUNT Pleasant, IN THE COUNTY OF CABARRUS. Chap. 208.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the town of Mt. Pleasant, in the county of Cabarrus, be and the same is hereby incorporated by the name and style of "The Town of Mt. Pleasant," and shall be subject to all the provisions contained in the 111th chapter the Revised Code. Incorporated

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall be as follows: Beginning at a stake in Cross street, thence N. 4° , E. 64 poles 4 links; thence N. 14° , W. 153 poles to a W. O. on the east side of the street, east 74 poles to stake; also from W. O. west 51 poles to a stake; thence beginning at stake in Cross street, running south 28 poles; S. 10° , E. 52 poles; S. 4° , W. 38 poles, to where the road leads off to Dan'l Barrier's; thence E. 68 poles to a stake; also from where said road leads off west 57 poles to a stake; again, from said stake in Cross street S. 64° , E. 46 poles, then S. 76° , 34 poles, to the branch; thence due north and south to the stakes called for at 74 poles, and 68 poles from Main street; again, beginning at stake in Cross street, thence N. 53° , W. 63 poles, 19 links, to N. W. corner of the grave yard; thence due north and south to the stakes called for at 51° and 57 poles from Main street. Corporate limits.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified 21st day of January, 1859.*]

Chap. 209. AN ACT TO INCORPORATE THE TOWN OF WEBSTER IN THE COUNTY OF JACKSON.

Incorporated. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the town of Webster in the county of Jackson, be and the same is hereby incorporated by the name and style of the "Town of Webster," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Corporate limits. SEC. 2. *Be it further enacted,* That the corporate limits of said town shall be as follows, viz: Beginning at the mouth of Love's mill creek, thence up said creek to Love's mill, thence north one half mile to a stake, thence west to Tuckasegee river, thence up the the meanders of said river to the beginning point.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 210. AN ACT TO AMEND THE SEVERAL ACTS OF THE GENERAL ASSEMBLY CONCERNING THE TOWN OF TRENTON IN JONES COUNTY.

Amendment. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the act of the General Assembly incorporating the said town of Trenton, and those supplemental and amendatory thereto passed in the years 1779, 1784, 1803 and 1825, be so amended as to require at least fifteen free white male citizens to reside within the limits of said town before they shall be permitted to elect commissioners for the government of the same.

Election. SEC. 2. *Be it further enacted,* That the first Saturday in April in each and every year shall be the day for holding the election of said commissioners.

Who eligible. SEC. 3. *Be it further enacted,* That no person shall be eligible to serve as commissioner who is under the age of twenty-one years, and who has not resided in said town for twelve months immediately preceding such annual election,

and shall have possessed for six months and shall continue to possess during the term for which he may be elected, a freehold estate in said town of the value of two hundred dollars.

SEC. 4. *Be it further enacted*, That no citizen of said town shall be allowed to vote for commissioner who is not entitled to vote for members of the General Assembly, and who has not been a resident of said town for six months immediately preceding such election.

To be worth
\$50.

SEC. 5. *Be it further enacted*, That any free white male citizen of the county of Jones, owning real estate in said town of the value of fifty dollars and who is entitled to vote for members of the General Assembly, shall be entitled to vote for commissioners of said town.

Commissioners

SEC. 6. *Be it further enacted*, That the persons elected as commissioners of said town, shall have no authority to pass any by-laws or regulations for the government of said town by which horses, cattle, hogs or any other live stock belonging to persons living outside of the limits of said corporation shall be seized, emponed, maimed or destroyed, or to compel the owners thereof to pay for the release of such stock so seized or emponed; and for any such seizure, emponing or injuring of such horses, cattle, hogs or other live stock, the said commissioners shall be collectively and individually responsible to the owners of such stock for whatever damage they may sustain by reason of such treatment, in any court of justice or by warrant before any acting justice of the peace for the county of Jones.

Failure to elect.

SEC. 7. *Be it further enacted*, That if the said town shall fail to elect commissioners for the space of two years, then no election of commissioners shall take place until an act shall be passed by the General Assembly authorizing the same.

SEC. 8. *Be it further enacted*, That the commissioners elected under the provisions of this act shall have all the privileges of the 111th chapter of the Revised Code entitled "Towns," as is not inconsistent with the provisions of this act.

Privileges.

SEC. 9. *Be it further enacted*, That this act shall be in force from and after its ratification. [Ratified the 15th day of February, 1859.]

Chap. 211. AN ACT FOR THE BETTER REGULATION OF ELIZABETHTOWN,
IN THE COUNTY OF BLADEN.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the provisions of the 111th chapter of the Revised Code entitled Towns, be and the same are hereby extended to said town of Elizabethtown: *Provided,* Nothing in said act shall be so construed as to prevent any citizen of the county of Bladen entitled to vote for members of the House of Commons, and owning real estate in the town, from voting in town elections, or from being eligible to any office conferred by the above recited act.

SEC. 2. *Be it further enacted,* That the constable for the district in which said town lies shall act as town constable, and discharge all the duties appertaining to said office. [*Ratified the 16th day of February, 1859.*]

Chap. 212. AN ACT FOR THE BETTER REGULATION OF THE TOWN OF
SMITHVILLE, IN BRUNSWICK COUNTY.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Price, Philip Prioleau, Jesse G. Drew and Samuel B. Price, be and are hereby appointed commissioners for the town of Smithville, with corporate powers, and that the provisions of 111th chapter of the Revised Code, entitled Towns, be extended to said corporation, and all acts heretofore passed, in conflict with the provisions of said 11th chapter, be repealed.

Retail licenses.

SEC. 2. *Be it further enacted,* That no license to retail spirituous liquors in said town shall be granted by the county court, unless upon the recommendation of a majority of the commissioners of said town.

Powers, &c.

SEC. 3. *Be it further enacted,* That the commissioners of said town shall have power to pass all such laws as they may think necessary for the preservation of the health of said town; to pass all such quarantine regulations as they

may deem proper for the government of vessels, and the crews and passengers of all vessels coming into the harbor of Smithville; to appoint a port physician, and to fix the fees of said physician, and that their jurisdiction shall extend five miles from Smithville, up and down the river. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT FOR THE BETTER REGULATION OF THE TOWN OF BEAUFORT." *Chap. 213.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Beaufort, or a majority of them, are hereby authorized and empowered, some time in the month of July, annually, to lay any tax not exceeding sixty cents on each hundred dollars value of all the taxable property in said town, and a tax not exceeding one dollar on each poll, for the purpose of defraying the debts and expenses of said town. *To lay tax.*

SEC. 2. *Be it further enacted,* That the commissioners aforesaid, or a majority of them, are hereby authorized and empowered to lay an annual tax on every retailer of spirituous liquors by the small measure in said town, of a sum not exceeding twenty-five dollars, and on every retailer of dry goods and groceries, or both, an annual tax of not less than two dollars, and not exceeding twenty-five dollars, which said taxes shall be collected by the town collector at the same time with the other taxes as now provided for by law and applied for the purposes of the town. [*Ratified the — day of February, 1859.*] *Retailers.*

AN ACT TO INCORPORATE JAMESTOWN, IN THE COUNTY OF GUILFORD. *Chap. 214.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the corporate limits of the town of Jamestown in the county of Guilford, shall be included *Corporate limits.*

in the following boundaries, to wit: Beginning in the centre of the cross street running between the dwelling house of Jonathan W. Fields, Esq., and the brick store house lately occupied by Nathan Gardner & Co., and running thence due south seventy-three poles or perches, thence west seventy-three poles, thence north one hundred and forty-six poles, thence east one hundred and forty-six poles, thence south one hundred and forty-six poles, thence west seventy-three poles to the termination of the first line.

Election.

SEC. 2. *Be it further enacted*, That on the first Monday in April next, there shall be held an election at the store house of Jonathan W. Fields, Esq., for five discreet persons who shall act as commissioners of said town for twelve months, which election shall be held by the sheriff of Guilford county, or his lawful deputy, and shall be duly advertised within the corporate limits of said town, for at least twenty days previous thereto; that all free white men of the age of twenty-one years, who shall have resided in the corporate limits of said town for six months previous to the day of any election for commissioners, shall be eligible to that office, and shall be entitled to vote at said election.

Elections,
when held.

SEC. 3. *Be it further enacted*, That on the first Monday in April, in each and every year after 1859, an election shall be held within the corporate limits of said town for five commissioners as aforesaid, at such place and under such rules and regulations and by such person or persons as shall be designated by the board of commissioners: *Provided*, That twenty days' notice of the time and place of holding said election shall always be given by public advertisement previous to holding the same.

To appoint
chairman.

SEC. 4. *Be it further enacted*, That the commissioners elected in each and every year, shall appoint one of their number chairman of the board, who shall be vested with all the powers and authority of a justice of the peace within the corporate limits of said town, and who shall, previous to entering upon the duties of his office, take an oath to support the constitution of the State of North-Carolina, the constitution of the United States and usual oath of a justice of the peace, which oath shall be taken before some justice of the peace in and for the county of Guilford.

SEC. 5. *Be it further enacted*, That the said chairman and commissioners are hereby declared to be a body politic, and shall be deemed and held as such, by the name and style of the Commissioners of Jamestown, and as such may sue and be sued, plead and be impleaded, have and use a common seal and have perpetual succession.

SEC. 6. *Be it further enacted*, That no person or persons, under any pretence whatever, shall buy or sell any spirituous liquors, wines or cordials within the corporate limits of said town, except for medical or mechanical purposes without license first had; the commissioners of said town and all persons offending against the provisions of this act shall be guilty of a misdemeanor, and upon conviction or submission in any court having jurisdiction of the same, shall be punished as is now provided by law in other cases of misdemeanor.

SEC. 7. *Be it further enacted*, That all the provisions contained in different sections of chapter 111 of the Revised Code, entitled "Towns," which are not inconsistent with the provisions of this act, shall be in force as a part of the rules and regulations of Jamestown as fully and to all intents and purposes the same as if the provisions of said chapter were incorporated herein.

SEC. 8. *Be it further enacted*, That this act shall go into operation from and after its ratification. [*Ratified the — day of February, 1859.*]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF NEWTON, IN THE COUNTY OF CATAWBA." *Chap. 215.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act entitled "an act to incorporate the town of Newton, in the county of Catawba," passed at the session of 1854-'55, be and the same is hereby amended as follows, viz: after section 24, and before section 25 in said act, insert the following sections to be and compose part of said act, as section 25: *Be it further enacted*, That said commissioners in said act appointed, viz: M. S.

McClarkle, S. G. Miller, George Setzer, O. Campbell and D. B. Gaither, and their successors in office, as commissioners of the town of Newton, in the county of Catawba, shall have and they are hereby endowed with full and ample powers at law and in equity, to make, convey and secure to John Wilfong, Jonas Bost, George Setzer, M. Rudisill and Geo. Bernier, in fee simple and forever, or for a term of years, as may be agreed between the said commissioners and said trustees, certain real estate in said town of Newton, known as the Southeast square in the plan and plat of the said town of Newton; the said conveyance so made to them as trustees, by the commissioners aforesaid, shall be good and sufficient in law to pass the title in the real estate so conveyed in special trust, and for the special purpose of erecting and establishing thereon, or by the profits of the sale thereof, a male and female school.

Trustees to contract.

SEC. 2. *Be it further enacted*, That the trustees aforesaid shall also have the power to contract for, purchase or receive by donation whatever property it may be necessary for the said school to so receive from the commissioners of said town or other person, subject always to the supervision of the court of equity.

Titles.

SEC. 3. *Be it further enacted*, That the titles so secured shall inure forever subject to the contingency of said schools being discontinued and finally abandoned, in which case the property hereby conveyed, and all title therein shall revert to the said town of Newton.

Power to sell, grant, &c.

SEC. 4. *Be it further enacted*, That the commissioners of said town of Newton shall, in like manner, have power to sell, or grant, or give to the committee of the common school district of the said county of Catawba in which the said town of Newton is situated, to be held by said committee for the use and benefit of common schools, in like manner and under like regulations as provided in section 1 and section 2 of this act, of certain other real estates in the town of Newton, it being a lot on Northwest square in the plan and plat of said town.

To convey real estate.

SEC. 5. *Be it further enacted*, That the commissioners of said town of Newton shall so convey said real estate to the committee of free schools, in the town of Newton, as to

empower the said committee to sell and purchase other lands more suitable to their purpose. [*Ratified the — day of —, 1859.*]

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF *Chap. 216.*
KENANSVILLE, AND TO PROVIDE FOR THE BETTER GOVERNMENT OF SAID TOWN.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That James E. Hall, Thomas H. McGee,
Patrick Merritt, Robt. J. Pearsall and Jonathan Chesnut,
and their successors in office, be and they are hereby ap-
pointed commissioners for the town of Kenansville, in the
county of Duplin, and the said commissioners and their
successors are hereby incorporated into a body corporate
and politic, by the name of the Commissioners for Town of
Kenansville, and by that name shall have succession, may
sue and be sued, and have a common seal, and shall have
power at all times hereafter to adopt such rules and regula-
tions, and pass such by-laws and ordinances as a majority
may deem proper and necessary for the order and good
government of said town, not inconsistent with the constitu-
tion of the United States or the constitution of North-Carolina,
and such rules, regulations, by-laws and ordinances so
passed shall be as binding as if they were herein especially
enacted: a majority of said commissioners shall constitute a
quorum for the transaction of business.

SEC. 2. *Be it further enacted,* That the sheriff of Duplin
county shall annually, on the first Saturday of April, hold an
election for five commissioners for said town, in the court
house in Kenansville, having previously given ten days
notice thereof by advertisement at said court house door,
the polls to be opened at 10 o'clock, a. m., and closed at
three, p. m. He shall summon two freeholders in said town
to inspect and superintend said election, and within five
days thereafter shall give the persons elected notice of their
election, and shall also within the same time file with the
commissioners of said town for the time being the poll
election.

books and a certificate in writing of the persons so elected, and if the sheriff neglect or refuse to hold such election, to give such notice, or to file such certificate, for every such neglect or refusal he shall forfeit and pay the sum of fifty dollars, to be recovered before any justice of the peace of the county of Duplin, at the instance and in the name of the mayor of said town for the use and benefit of the corporation, either party having a right to appeal under the same rules and regulations as are by law prescribed for other appeals from justice's judgment. The five persons receiving the highest number of votes shall be declared elected commissioners, and in case of a tie, the sheriff shall have a casting vote, and no person shall be eligible to the office of commissioner of said town unless he shall have resided therein for at least one year previous to his election, and shall have possessed and still continue to possess a freehold in said town for six months of the value of fifty dollars, and no person shall be entitled to vote in said election except free white men of the age of twenty-one years, who shall have resided in said town for six months immediately preceding such election, and shall not be in arrears for town taxes.

Term of office. SEC. 3. *Be it further enacted*, That the commissioners herein before mentioned shall hold their office until their successors shall be elected and have qualified according to this act.

To qualify. SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioners, and their successors, within five days after receiving notice of his or their election to qualify, by taking an oath before some justice of the peace of said county, for the faithful performance of their duties, and for every refusal or neglect so to qualify, they or any one of them so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, to be recovered at the instance and in the name of the mayor of said town, before any justice of the peace for said county, for the use and benefit of the corporation, either party having the right to appeal, under the same rules and regulations as are by law provided for in other cases of appeal from justices judgments. The said commissioners shall continue in office until others are

elected and qualified, and in case of a vacancy by death, removal or otherwise, it shall be the duty of the commissioners for the time being to fill such vacancy by appointment of some person having the requisite qualification, who shall qualify under the same rules, regulations and penalties as hereinbefore prescribed for the commissioners.

SEC. 5. *Be it further enacted*, That the said commissioners shall have power and authority to appoint a mayor, not of their own number, who shall possess the same qualifications as herein prescribed for commissioners of said town, whose duty it shall be to preside at all meetings of the commissioners of said town when present, and have a casting vote in all cases of a tie. He shall have within the limits of the town all the civil and criminal jurisdiction of a single justice of the peace and of court, together with the power to issue to the town constable, the sheriff or other lawful officer warrants for, and try all offences against the laws and ordinances of said town, and to give judgment and issue execution, and shall keep a full record in a well bound book kept for that purpose, of all the cases both civil and criminal tried before him. Appeals shall be allowed from his decisions under the same rules and regulations as appeals as are now allowed from judgments of justices of the peace, and he shall receive such compensation for his services as the commissioners may think proper to allow.

Power and
authority.

SEC. 6. *Be it further enacted*, That the commissioners shall meet on the first Monday in every month, and oftener if necessary at the call of the mayor, under a penalty of one dollar, to be recovered and applied as other penalties, at some designated place in said town, and in the absence of the mayor shall choose one of their number to preside. They shall appoint a treasurer, a constable and a clerk of the corporation; have power to appropriate by ordinance the funds of the corporation, to abate all nuisances and remove such buildings as endanger the safety of the vicinity within the limits of said town, and to make such rules and regulations for the promotion and preservation of the health of said town as they may think proper and deem expedient.

Time of meet-
ing.

Constable.

SEC. 7. *Be it further enacted*, That the constable of the corporation shall take an oath, before the mayor, to support the constitution of the United States and of this State; and for the faithful performance of his duties, he shall give a bond, to be received and kept by the corporation, in the sum of two thousand dollars, payable to the State of North-Carolina, to collect and account for the public taxes of the town, and to discharge faithfully all the other duties of the constable of the corporation of Kenansville. He shall have, within the limits of the town, all the powers and duties of other constables of the county of Duplin, and be subject to the same liabilities for negelec of duty. He shall collect all fines and forfeitures imposed by the town ordinances, and account for the same at the next regular meeting of the commissioners, and shall collect the public taxes of the town, under the same rules and regulations as sheriffs collect other public taxes, and for this purpose shall have the same powers and authority as are now conferred by the laws of the State upon the sheriffs of the different counties, and shall pay the same to the treasurer within six months after receiving the tax list, and shall be allowed a compensation not exceeding five per cent. on the amount so collected and paid over to the treasurer; and if he shall fail to collect and pay over said town tax as herein prescribed, for each failure he shall be liable to a penalty of fifty dollars, to be sued for and recovered in the manner and under the same rules and regulations, as are by this act prescribed in the case of other penalties, for the use and benefit of the corporation. He shall serve and execute all process to him directed by the mayor, under the same rules and regulations, penalties and liabilities, as are now prescribed by law for other constables, and process so issued, founded on a breach of the peace, or for breaches of the town laws and ordinances, or any violations of the criminal laws of the State, shall be served and executed, and returnable immediately before the mayor of said town, and he shall be liable to an action on his bond for all breaches thereof, as other constables are now liable by law, by any one suing in the name of the State, and shall at all times be subject to the directions of the mayor, in enforcing and

executing laws and ordinances of the corporation. He shall receive for his services in civil cases the regular fees of the constables of the county, for executing State warrants one dollar each, and for executing precepts for breach of town laws and ordinances the same fees as in civil cases.

SEC. 8. *Be it further enacted*, That the treasurer shall give bond in the sum of five hundred dollars, payable to the corporation of Kenansville, conditioned to keep safely and pay out by order of the mayor, under the directions of the commissioners the funds of the town, and faithfully to settle with his successors within thirty days after his qualification, and to do and perform all the other duties of his office, and shall receive such compensation for his services as the commissioners may think proper to allow.

Treasurer to
give bond.

SEC. 9. *Be it further enacted*, That the clerk of the corporation shall keep correctly the minutes of the corporation, take the list of taxable property in the town, make out and furnish the constable with tax list at such times and in such manner as directed by the mayor and commissioners, and shall spread upon the minutes a copy of the tax list as furnished by the constable, and perform such other duties as may be required by the corporation, and for every failure shall be liable to a penalty of twenty dollars, to be recovered in the same manner and the same rules and regulations as herein provided for in the case of other penalties in the name of the mayor for the use of the corporation. He shall receive [for] his services such compensation as the commissioners may think proper to allow.

Clerk.

SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor on or before the first Monday in May, A. D., one thousand eight hundred and fifty-nine and biennially thereafter to summon three freeholders of said town to appear before him within five days, who having been duly sworn to act impartially, shall assess the cash value of the real estate and improvements thereon within the corporate limits of said town, which assessment after being duly signed by them, shall be deposited with the clerk of the corporation; and any freeholder refusing when so summoned shall forfeit and pay the sum of five dollars, to be recovered

Duty of mayor.

ered and applied as other fines and penalties as hereinbefore set forth.

To lay and collect taxes.

SEC. 11. *Be it further enacted*, That the said commissioners shall annually lay and collect a tax on the inhabitants and property of said town, which by the existing laws of the State are subject to taxation, not exceeding forty cents on every hundred dollars worth of real estate and eighty cents on the poll ; and shall have power annually to lay and collect a tax of four dollars on every store, three dollars on each grocery, taven or hotel ; two dollars on each lawyer and physician ; twenty-five cents on every dog exceeding two ; five dollars on every company or individual exhibiting natural or artificial curiosities, on sleight of hand performers, rope dancers, and on bands of singers who exhibit for pay ; on all circus companies ten dollars ; and four dollars on each carriage manufactory or depository of carriages where the same are kept for sale ; and two dollars on each saddle and harness manufactory ; which said taxes, when collected, shall be applied to repairing the streets and sidewalks of said town and such other purposes as the commissioners may think proper : *Provided however*, That no real estate held for the purposes of public worship by any of the religious denominations, or by the masonic fraternity, or the odd fellows, or for any seminary of learning shall be subject to taxation under the provisions of this section.

Overseer.

SEC. 12. *Be it further enacted*, That the said commissioners shall have power to appoint an overseer or overseers over the streets of said town, whose duty it shall be to summon all persons within the limits of said town, subject to work on roads under the laws of the State, to work and put in good repair the streets of said town under the directions of the commissioners ; and the said overseer so appointed, failing or refusing when so directed to work said streets, for each and every failure, shall forfeit and pay the sum of five dollars, to be recovered and applied as other fines and penalties as hereinbefore provided for ; and each and every person when so summoned, failing to work upon said streets shall be liable to the same fine and penalty as by law is prescribed for persons failing to work public roads, to be recovered

and applied as other fines and penalties as herein provided for.

SEC. 13. *Be it further enacted*, That the mayor and com-^{Streets.}missioners shall have power to lay out, alter and make streets in said town by summoning five freeholders of said town to assess the value of the real estate condemned for the purpose of changing or making new streets, and the damage done the owner thereof shall in all cases be paid the owner before said property shall be taken for the streets, and from the assessment of the freeholders, either party may appeal to the county or superior court of Duplin.

SEC. 14. *Be it further enacted*, That the county court of^{License to retail.} Duplin shall not grant a license to any person to retail spirituous liquors within the town of Kenansville unless such person produce a certificate from the clerk of the corporation, that he or they have applied at the regular meeting of the mayor and commissioners for license to retail spirituous liquors in said town, which the commissioners have allowed, and every person so obtaining a license shall pay to the corporation twenty dollars.

SEC. 15. *Be it further enacted*, That the mayor and com-^{Patrol.}missioners shall at the first regular meeting after they are duly organized, or failing at their first meeting, at their next regular meeting appoint of the inhabitants of the town a patrol, not exceeding four in number, whose duty it shall be to patrol the limits of the town twice each week, and oftener if the commissioners shall deem it necessary and so direct, and they are hereby authorized to extend their patrol beyond the corporate limits of said town whenever they shall find it necessary to do so in the discharge of their duties. It shall be their duty to disperse all assembles of slaves and free negroes, and to arrest all such offenders against the criminal laws of the State, or laws and ordinances of the corporation, as they may think necessary, and bring them before the mayor, who shall either bind the offenders to court or inflict such punishment as he may think proper, not exceeding thirty-nine lashes, the owner or manager having been duly notified thereof, and the owner or manager may in all such cases appeal from the decision of the mayor in the same manner and under the same rules

and regulations as he may now appeal by law. The patrol, when appointed, shall be compelled to serve under such penalties as the mayor and commissioners shall impose, which shall be collected and applied as all other penalties herein set forth, and for their services they shall receive such compensation as the commissioners shall allow.

Arrests.

SEC. 16. *Be it further enacted*, That all persons arrested under the provisions of this act or tried before the mayor may be imprisoned or lodged in the common jail of the county of Duplin when deemed proper.

Limits.

SEC. 17. *Be it further enacted*, That the corporate limits of the town shall be the same as heretofore established.

SEC. 18. *Be it further enacted*, That all laws and clauses of laws heretofore enacted for the government of the town of Kenansville, in the said county, be and the same are hereby repealed.

SEC. 19. *Be it further enacted*, That this act shall be in force from and after its ratification [Ratified the 31st day of January, 1859.]

Chap. 217. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SWANSBORO", IN THE COUNTY OF ONSLOW, TO EXTEND THE LIMITS THEREOF, AND FOR OTHER PURPOSES.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Eli W. Sanders, R. S. McLean, C. B. Glover, Thomas S. Littleton and George T. Duffey be and they are hereby appointed commissioners for the town of Swansboro', in the county of Onslow, and that they and their successors in office, chosen in the manner hereinafter provided for, be and they are hereby created a corporate and body politic, under the name and title of "The Commissioners for the Town of Swansboro," and as such they are hereby entitled to all the privileges and immunities of a body corporate, to make such by-laws and regulations as they or a majority of them may deem necessary for the good order and government of said town, and to lay and

collect taxes, to keep the streets of said town in order, and all other purposes for the good welfare of said town, and to transact any business in their corporate capacity through the agency of the officers of the town, to be appointed in manner hereinafter provided for, not inconsistent with the constitution of this State or of the United States.

SEC. 2. *Be it further enacted*, That the corporate limits of Swansboro' shall be included in the following boundaries, to wit: Beginning at the mouth of a deep gully at the northeast corner of Thomas S. Littleton's place; thence running a westwardly course, along said Littleton's line, to the main road; thence across the main road, in a westwardly direction, to the north side of Deer island, including all of the said Deer island; thence across the creek, in an easwardly direction, following the various courses of the water, in front of C. B. Glovers, and the said town of Swansboro', to the beginning.

Corporate limits.

SEC. 3. *Be it further enacted*, That the said commissioners, appointed by the first section of this act, shall, each of them, take an oath of office before some magistrate of said county, on or before the second Monday in April next, and shall continue to hold their office as commissioners for the town of Swansboro' until an election for commissioners shall take place, as hereinafter provided for, and until said commissioners, so elected, shall have taken an oath of office, as hereinafter set forth.

Oath.

SEC. 4. *Be it further enacted*, That the commissioners of said town, at their first meeting after their appointment by the first section of this act, and at their first meeting after their annual election, as hereinafter provided for, in each and every year hereafter, shall appoint one of their own body to act as intendent of police; they shall appoint one of their own body, or some other fit person to be their clerk; and they shall also appoint a town constable and a treasurer, who shall hold their appointments for one year, or until others shall be appointed.

Intendant of police.

SEC. 5. *Be it further enacted*, That it shall be the duty of the intendent of police, on the second Monday in January, in each and every year hereafter, to open the polls of election in said town, for the purpose of electing five persons

Duty of intendant.

as commissioners of the town of Swansboro', for the term of one year, and no person shall be eligible to serve as commissioner who is not a resident of said town, and shall have resided therein at least six months immediately preceding the day of election.

To advertise.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said intendent of police to advertise the time of holding the said election of commissioners, at two or more public places in town, six days previous thereto; and the said intendent of police shall summon two men, residents of said town, who with himself shall hold the election at some public place, and shall keep the polls open from 12 o'clock at noon, until 3 o'clock in the afternoon; and it shall be the duty of the intendant of police to notify the persons so elected commissioners of their election, within five days after their election; and the said commissioners so elected shall meet and take the oath of office, before a magistrate, within ten days after their election, and enter upon the duties of their office, and any person so elected, refusing to act, shall pay a fine of five dollars to the treasurer of the town, to be applied as a majority of the commissioners may direct, and should a vacancy occur within the time of holding the annual election, by death or removal from the place, the remaining commissioners, or a majority of them, shall have power to fill the vacancy by appointment, and the person or persons so appointed shall have all the powers of, and be subject to the same rules as if elected at their annual election.

Intendant to
preside.

SEC. 7. *Be it further enacted*, That the intendant of police, when present, shall preside at all meetings of the commissioners, and shall be entitled to vote as a commissioner, and in case of a tie, to give the casting vote.

To take list of
taxes.

SEC. 8. *Be it further enacted*, That the intendant of police shall, within the last twenty working days in April, of each and every year, receive the list of taxables in said town, he first giving ten days' notice of the time and place, he will attend for that purpose, and any person failing to give in, on oath, their list, shall pay a double tax, and the valuation of said property shall be the same as shown by the tax list returned to the county court of said county,

which tax list shall be deposited with the clerk of said corporation, to be made out by him according to the amount of tax laid by said commissioners, which shall not exceed fifty cents on the one hundred dollars, nor one dollar on each poll; and said tax list to be recorded by the clerk in a bound book, and to furnish the town constable a true copy from said list, extending the amount of each person's tax, on or before the first day of June in each and every year; and on failure of the clerk to perform any of the duties in this act required of him, he shall forfeit and pay the sum of five dollars to the treasurer.

SEC. 9. *Be it further enacted*, That the town constable immediately after the receipt of said tax list, shall proceed to collect the same by distress or otherwise, under the same rules and regulations as are prescribed for the collection of county and State taxes; and shall on or before the first day in October in each and every year pay over the said taxes to the treasurer of said town, deducting therefrom a commission of five per cent, and such insolvent polls as he may on oath return a list of, and on failure thereof he and his sureties shall be dealt with as provided by law against sheriffs or constables of the county, and a certified copy by the clerk, of the tax list from the records of said corporation, shall be admitted as *prima facie* evidence against such constable and his sureties. Constable to collect taxes.

SEC. 10. *Be it further enacted*, That the constable and treasurer before entering upon the duties of their office, shall take an oath before the intendant of police to discharge their duties faithfully, and shall enter into bonds in such sums and with such sureties, made payable to the commissioners and their successors in office, as they may deem necessary and proper for the faithful performance of the duties required. Oath.

SEC. 11. *Be it further enacted*, That the commissioners of said town shall have full and ample power to appoint a patrol of two or more for said town, and shall have full power to force a compliance of all such rules and regulations or ordinances as they or a majority of them may deem necessary from time to time to make for the government of said town by imposing fines and penalties on those who Patrol.

shall refuse or neglect to conform to such rules, regulations and ordinances, to be recovered by warrant under the hand and seal of the intendant of police directed to the town constable to bring such delinquents or offenders to the intendant; and on conviction the intendant is hereby required to give judgment and award execution, which the said officer is hereby required to execute by distress and sale of the offender's goods and chattels, which fine when levied and collected shall be paid into the hands of [the] treasurer of the town to be accounted for by him.

Taxes.

SEC. 12. *Be it further enacted*, That the commissioners of said town shall have full and ample power to impose such taxes on stores, retailers of spirituous liquors by the small measure, on exhibitions of any kind, or on professional men or any thing else not inconsistent with the laws of the State.

SEC. 13. *Be it further enacted*, That all laws and clauses of laws conflicting with or coming within the meaning and purview of this act be and the same are hereby repealed.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the — day of —, 1859.*]

Chap. 218. AN ACT TO INCORPORATE THE TOWN OF HIGH POINT, IN GUILFORD COUNTY.

Town established.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a town is hereby established in the county of Guilford by the name of High Point. The corporate limits of said town are hereby declared to be one mile north, south, east and west from the cross where the Fayetteville and Western Plankroad crosses the North-Carolina Railroad in said town, making a square of two miles.

Government.

SEC. 2. *Be it further enacted*, That the government of said town of High Point shall be vested in the following persons, and their successors in office: Robert C. Lindsay, John Carter, Sewel Farlow, Eli Denny and Jeremiah Piggott.

SEC. 3. *Be it further enacted*, That the commissioners ^{Incorporated.} and their successors in office appointed agreeably to the directions of this act shall be and they are hereby incorporated into a body corporate by the name of the "Commissioners of the town of High Point," and by such name shall have succession and a common seal, with all the rights, powers and privileges granted to or invested in corporations by virtue of chapter twenty-six of the Revised Code of North-Carolina.

SEC. 4. *Be it further enacted*, That no person shall retail ^{Not to retail.} spirituous liquors within the corporate limits of said town; any person violating this act shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of twenty dollars for each and every offence.

SEC. 5. *Be it further enacted*, That an election shall be ^{Yearly elections.} held in each and every year on the first Monday in February by the inhabitants thereof qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until their successors are appointed.

SEC. 6. *Be it further enacted*, That the commissioners appointed under this act shall be and continue to act as such until their successors are appointed. [*Ratified the — day of February, 1859.*]

AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF ^{Chap. 219.} SALEM, IN FORSYTH COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Not to retail.} *State of North-Carolina, and it is hereby enacted by the authority of the same*, That no person or persons shall retail any spirituous liquors, wines or cordials, or open or keep any restanrant or eating saloon, or any billiard tables, nine pin or bowling alley within the town of Salem, without first obtaining from commissioners of the town a license to do so, and paying such tax as said commissioners may impose; the license thus obtained shall be good for one year from its date: *Provided*, That nothing herein contained shall release the person obtaining such license, or paying such town tax,

from paying any State taxes now imposed or hereafter to be imposed.

Constable.

SEC. 2. *Be it further enacted*, That the constable appointed by the commissioners of the town of Salem shall, on giving the bond and taking the oath required of other constables, be invested with and execute the same power and authority as other constables in the State. [*Ratified the — day of —, 1859.*]

Chap. 220. AN ACT TO INCORPORATE THE TOWN OF LILLINGTON, IN THE COUNTY OF NEW HANOVER.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the town now called Long Creek Village, in the county of New Hanover, be and the same is hereby incorporated by the name and style of the "town of Lillington," and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code.

Corporate limits.

SEC. 2. *Be it further enacted*, That the corporate limits of the said town shall be as follows: Beginning eighty poles above Long Creek bridge at the run of said creek at a stake, thence north 72 degrees, east 160 poles to a pine, thence south 160 poles to a stake, thence south 72 degrees, west to the run of Long creek, thence up said creek to the beginning.

Not to sell liquors.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person to sell any spiritous or intoxicating liquors within three miles of Long Creek Academy.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

AN ACT TO AMEND AN ACT ENTITLED “AN ACT TO AMEND AN *Chap. 221.*

ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF GOLDSBORO’, IN THE COUNTY OF WAYNE,” TO EXTEND THE LIMITS THEREOF, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That section second of the said act be so amended as to extend the corporate limits of the town of Goldsboro,’ three hundred feet on all sides, so that the new boundary lines shall run parallel with the old ones, intersecting at the corners: *Provided however,* That no boundary street shall be opened, nor shall the present streets be extended, unless the owners of the soil over which, if extended, they would pass shall request the same, and shall grant to the commissioners of the town the right of way therefor. Extends limits.

SEC. 2. *Be it further enacted,* That section fifteen of said act be so amended as to read as follows: The town constable, immediately after the receipt of said tax list, shall proceed to collect the same, by distress or otherwise, under the same rules and regulations, (both as to himself and the purchasers of any real or other estate sold for taxes and other persons *mutatis mutandis*, and so far as the same may apply) as are prescribed for collecting county and State taxes in the Revised Statutes of the State of North-Carolina, published in the year 1837, vol. 1st, chapter 102, excepting sections 60, 61, 62 and 63, and excepting also that the publication directed by section 51 of said chapter shall be made in some newspaper in Goldsboro’, or if there be none in said town, then in the one nearest thereto. And the said town constable shall, on or before the 15th day of October, in each and every year, pay over the said taxes to the treasurer of said town, deducting therefrom a commission of five per cent., and such insolvent polls as he may on oath return a list of, and on failure thereof the said treasurer shall upon giving ten days’ notice in writing to the said constable and or all of his sureties, move the court of pleas and quarter sessions of Wayne county for judgment against the said constable and his sureties; whereupon Amendment.

the said court shall proceed to render judgment, with twelve per cent. damage by way of interest from the said 15th October, and certified copy by the clerk of the tax list from the records of said corporation, shall be admitted as *prima facie* evidence against such constable and his sureties.

Amendment.

SEC. 3. *Be it further enacted*, That section seventeen of said act be so amended as to read as follows: No person shall keep an ordinary or store for retailing spirituous liquors or retail the same by the small measure in the town of Goldsboro' until he or she shall have first applied to the commissioners of said town and have obtained from them a certificate of their recommendation, or from a majority of them, for the purpose, which recommendation shall be valid for one year and no longer, and any person who shall keep an ordinary, or who shall retail spirituous liquors by the small measure in said town without having obtained license and recommendation as aforesaid, shall forfeit and pay the sum of two hundred dollars, to be recovered by an action of debt before the intendant of police of said town, or any justice of the peace of the county of Wayne, and it shall be the duty of the treasurer, in the name of the commissioners, within one year after the offence is committed, to sue for the same. Every retailer of spirituous liquors by the small measure in the town of Goldsboro' shall pay such annual tax to the treasurer before he receives his certificate of recommendation from the clerk as may be fixed by the commissioners of said town, at their first meeting after the first of January in each and every year, as the uniform tax for that year: *Provided*, That the said commissioners shall have the authority to fix the tax for the present year (1859) at their first meeting after the ratification of this act.

Amendment.

SEC. 4. *Be it further enacted*, That section twenty of said act be so amended as to read as follows: The commissioners of the said town of Goldsboro' are hereby authorized to lay a tax for the necessary support of police and town government, not exceeding fifty cents on the one hundred dollars in valuation of the real estate in said town, and not exceeding one dollar and fifty cents on the poll, and on all billiard tables, and public alleys for rolling at pins, whether the

same has ten or a greater or less number of pins, a tax not exceeding ten dollars each.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1859.*]

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY Chap. 222.
OF NORTH-CAROLINA AT THE SESSION OF 1854-'55, TO INCORPORATE THE TOWN OF LENOIR, IN CALDWELL COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That no person shall hereafter within the corporate limits of said town of Lenoir, sell spirituous liquors by a measure less than one gallon, unless he shall first apply to the commissioners of said town and obtain a license therefor, which license shall in terms authorize the selling only by measure not less than a quart for the space of one year next ensuing, at some one place within the town, and may be granted by the commissioners at their discretion, to such free white persons as shall satisfactorily show by at least two creditable witnesses, his good moral character, and upon his paying the sum of twenty-five dollars therefor for the use of said town: *Provided*, Nothing herein contained shall be so construed as to prevent the sale of spirituous liquors or wines for sacramental, medical or mechanical purpose. No retailers.

SEC. 2. *Be it further enacted*, That the justices of the county court of Caldwell county shall not hereafter grant license to any person or persons whatsoever to retail spirituous liquors by a measure less than a quart within the corporate limits of said town, unless such person or persons shall be first recommended by a majority of the commissioners of said town as a suitable person. No license.

SEC. 3. *Be it further enacted*, That any person or persons offending against the provisions of the first section of this act, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered by the commissioners of said corporation in an action of debt, before any justice of Penalty.

the peace, or before the county or superior courts, to be applied to the use and benefit of said corporation; and such offenders moreover shall be deemed guilty of a misdemeanor.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws conflicting with the true intent and meaning of this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification. [*Ratified the 21st day of January, 1859.*]

Chap. 223. AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALISBURY.

Additional
taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the board of commissioners for the town of Salisbury shall have power annually to levy and cause to be collected, in the manner prescribed in the charter, the following additional taxes, to wit:

CLAUSE (1) On all licensed retailers of spirituous and alcoholic liquors, a tax not exceeding twenty-five dollars.

(2) On all venders of wines, cordials, without license, or other spirituous or alcoholic or malt liquors, a tax not exceeding ten dollars.

(3) On all billiard tables, a tax not exceeding twenty-five dollars.

(4) On all ten-pin alleys, a tax not exceeding twenty-five dollars.

(5) On all public drays, carts, wagons and omnibuses a tax not exceeding ten dollars.

(6) On all livery stables, a tax not exceeding ten dollars.

(7) On every keeper of a common inn, ordinary, tavern or hotel, a tax not exceeding ten dollars.

(8) On all bankers, a tax not exceeding ten dollars.

(9) On all pedlars of patent soap, medicines, ink, varnish or any goods, wares or merchandise of any kind whatsoever, which are not of the products or manufacture of this State a tax not exceeding ten dollars.

(10) On all insurance companies or their agents, whether resident or itinerant, a tax not exceeding ten dollars.

(11) On all brokers, money or exchange dealers, or bank agencies, a tax not exceeding fifty dollars.

(12) On all lecturers for a reward, (unless the reward be wholly devoted to some literary or charitable purpose,) a tax not exceeding five dollars.

(13) On all daguerreian artists, or picture takers of any sort, a tax not exceeding ten dollars.

(14) On all resident practicing lawyers, physicians or duelists [dentists,] a tax per capita not exceeding five dollars.

(15) On all State and county officers, and officers or agents of incorporated companies, whose salary or fees shall be three hundred dollars, or levy a tax per capita, not exceeding five dollars.

(16) On all riding or pleasure vehicles in use during the year, a tax not exceeding one dollar.

(17) On all gold watches usually worn during the year, a tax not exceeding one dollar.

(18) On all silver watches usually worn during the year, a tax not exceeding fifty cents.

(19) On all pianos in use, except those used in schools, a tax not exceeding one dollar.

(20) On all pistols, if used at any time during the year, a tax not exceeding one dollar.

(21) On all dirks, bowie knives or sword canes, if worn about the person at any time during the year, a tax not exceeding two dollars.

(22) On every hundred dollars employed in buying and selling slaves during the year ending on the 18th day of February, twenty-five cents.

(23) On every merchant, merchant tailor or jeweler who shall sell goods, wares and merchandise, a tax of one-fourth per cent. upon his capital. The capital aforesaid shall be the aggregate sum of the purchases of goods, wares and merchandise, made within the year ending the 1st of February.

(24) On every commission merchant, the half of one per cent. on the commissions received by him during the year ending the 1st February.

(25) On every auctioneer, one-fourth of one per cent. upon the value of all goods sold by him: *Provided*, That no tax shall be levied upon sales made under an execution or order issuing from our court, or from a justice of the peace, nor by any executor, administrator or trustee.

(26) On all establishments for the sale of buggies, sulkeys, carriages or any other riding or pleasure vehicle, not of the growth or manufacture of this State, a tax not exceeding twenty-five dollars.

(27) On each and every pack of playing cards sold during the year ending the 1st February, a tax not exceeding ten cents.

May subscribe
for stock.

SEC. 2. *Be it further enacted*, That the commissioners for the town of Salisbury shall have power and authority to subscribe for stock in the Salisbury Gaslight Company or contribute in any other way they may deem advisable to the erection of and keeping up in said town of gaslight works, a sum not exceeding four thousand dollars; and such investment to be held by said commissioners for the use and benefit of the town of Salisbury.

May make
bonds.

SEC. 3. *Be it further enacted*, That the said commissioners, to enable the town to meet the payment of such sum or sums as they may subscribe for stock in said gaslight company, or in any other form contribute to the erection of gaslight works in said town, are hereby authorized and empowered from time to time and whenever they may choose to make, execute and deliver bonds of the said corporation of the town of Salisbury for the payment of such sums as they may think proper, not exceeding in the aggregate the sum of four thousand dollars, which said bonds shall be signed by the intendant of police of said town and sealed with the corporate seal of the commissioners aforesaid.

Not less than
\$500.

SEC. 4. *Be it further enacted*, That the bonds so authorized to be issued shall be for sums not less than five hundred nor more than one thousand [dollars] each, shall bear interest at the rate of 6 per cent. per annum, may have attached to said bonds semi-annual coupons signed by the treasurer or clerk of the town for the interest on said bonds, and said bonds shall be payable not less than five nor more than

twenty-five years from their date; and the interest on such bonds shall not be subject to the tax of any kind.

SEC. 5. *Be it further enacted*, That the said commission-Taxation.
ers shall from year to year and every year be authorized, empowered and required to levy and collect by taxation on all polls and property within said town, which is now or may hereafter become taxable, such an amount as may be sufficient to pay the interest on and provide a sinking fund for the liquidation and payment of the principal of the bonds authorized to be issued by this act.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF KINSTON, IN THE COUNTY OF LENOIR,"
RATIFIED ON THE 29TH DAY OF JANUARY, 1849, AND FOR OTHER PURPOSES. Chap. 224.

SECTION 1. *Be it enacted by the General Assembly of the* Amendment.
State of North-Carolina, and it is hereby enacted by the authority of the same, That section 3 of chapter 226, ratified on the 29th day of January, 1849, being an act entitled "an act to incorporate the town of Kinston, in the county of Lenoir," be so amended as to read, That on the 2d Monday of January of each and every year, an election shall be opened and held in the town of Kinston, by the sheriff of Lenoir county or his deputy, assisted by two respectable freeholders of said town, to elect one mayor and four commissioners for the town of Kinston, and it shall be the duty of said sheriff to advertize the holding of the election, at the courthouse door, at least ten days previous to the day of election; and all persons residing within the corporate limits of said town, qualified to vote for members of the Legislature, shall be entitled to vote in this election; and it shall be the duty of said sheriff to declare the person having the highest number of votes [for] mayor, duly elected mayor, and the four persons receiving the highest number of votes for commissioners, duly elected com-

missioners for one year, and until their successors shall be installed in office, and that the said officers shall be empowered with all the rights and privileges, and subject to such rules and regulations as are contained in chapter 111, Revised Code of North-Carolina.

Amendment.

Sec. 2. *Be it further enacted*, That section 5 of said act be so amended as to provide that the commissioners of said town are hereby authorized and empowered to lay and collect annually, a tax on the property and inhabitants of said town, and on such other persons whose daily labor and employment are pursued in said town, not exceeding twenty cents on each hundred dollars valuation of real estate in said town, and not exceeding fifty cents on each poll, taxable under the laws of the State, as said commissioners shall deem necessary for the repair of the streets and improvements of the town.

Jurisdiction.

SEC. 3. *Be it further enacted*, That the jurisdiction of the mayor and commissioners, and other officers of the town, extend to a point not exceeding four hundred yards beyond the corporate limits of said town, and that they shall exercise all the powers and authority over said lots as is vested in them by the preceding section.

Retail license.

SEC. 4. *Be it further enacted*, That it shall not be lawful for the county court of Lenoir county to grant or issue to any person or persons whatever, (druggists and apothecaries excepted,) any license to retail and traffic in wines or spirituous liquors by the small measure, within the corporate limits of said town, without the said applicant shall obtain and produce to the court a certificate signed by the mayor and commissioners of said town, or a majority of them, setting forth that the said applicant is of good moral character, and is a fit and proper person to be entitled to and receive said license.

Building lots.

SEC. 5. *Whereas*, There having been a demand made upon the board of commissioners, during the last few years past by the inhabitants, for building lots to accommodate the increase of population and unusual growth of said town, the board of commissioners did, from time to time, lay off the town commons into squares, lots and streets, and disposed of a portion of the same by public sale, to the high-

est bidder, realizing suitable prices therefrom, which money was applied to the use and improvement of said town; and whereas, doubts having been expressed as to the power and authority of the board of commissioners to act in the premises, and of the validity of the conveyance made for said lots to the respective purchasers thereof; and whereas, the said sales and improvements have proved to be of manifest utility and benefit to said town and its citizens in every particular; Therefore, *Be it further enacted*, That the sales of said lots heretofore made as aforesaid, and such as may be hereafter made by the town commissioners of said town, for the use and purposes of said town, are hereby ratified, and legalized, and confirmed; and the said board of commissioners are hereby authorized to extend to the purchasers thereof, their heirs and assigns, good and sufficient title deeds, conveying an estate in fee simple.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 21st day of January, 1859.*]

TURNPIKES.

AN ACT TO INCORPORATE THE CHEROKEE COUNTY TURNPIKE *Chap. 225.*
COMPANY, IN THE COUNTY OF CHEROKEE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Wm. Manchester, Daniel F. Ramsour, Pleasant Henry, J. M. Grant, S. G. R. Mount, Lewis Hubbard, General B. S. Britain, Joshua Horseshaw, or a majority of them, are hereby authorized to open books for the subscription of stock, in shares of twenty dollars each, at such times and places and under the directions of such agents as they may appoint. To open books.

SEC. 2. *Be it further enacted*, That as soon as four thousand dollars shall be subscribed as provided for under the first section, it shall be the duty of the commissioners to appoint a meeting of the stockholders to be held in the town of Murphy, and provided a majority of the stock be Meeting of stockholders.

represented in person or by proxy, they shall proceed to organize by the election of officers of the company, as provided in the first section of the act of incorporation contained in the Revised Code, under the name and style of "the Cherokee County Turnpike Company," and as such shall have and enjoy all rights and privileges, and be subject to the same restrictions contained in the said act of incorporation for a term of fifty years.

Description of road.

SEC. 3. *Be it further enacted*, That the said company when formed shall have the right to construct a turnpike road of the same description as the Western Turnpike with regard to width, grade, bridges, culverts and drain ditches, &c.

Location of road.

SEC. 4. *Be it further enacted*, That the company shall have the right to locate the said road from the court house in Murphy through the valley of the Hiawassee to Fort Hembro, or to some point on the Georgia line as the company may prefer, also from the court house northward through the valley of the Hiawassee to the Tennessee line, to a point to be selected by the company.

Completion of road.

SEC. 5. *Be it further enacted*, That upon the completion of said road as herein provided, it shall be the duty of the president to notify the chairman of the county court that the said road is completed, and at the next county court it shall be the duty of the county court, a majority of the justices being present, to appoint three suitable persons, not interested in the road, to examine and make a majority report to the chairman of the county court, and if the road be completed agreeably to the requirements of this act, they shall furnish the president of the company with a certificate under their hands and seals, certifying that the road is completed as required by the charter.

Right to contract.

SEC. 6. *Be it further enacted*, That the company shall have the right to contract with the company owning the turnpike road on the east side of the Hiawassee river below Murphy on such terms as may be agreed on, payable in the stock of this company, and improve the same as required by this act; which, when so purchased and improved, shall constitute a part of the road authorized to be constructed

under this act; and all rights to collect tolls under the former charter shall cease.

SEC. 7. *Be it further enacted*, That the said company shall in like manner have the right to purchase the bridge across Valley river below Murphy, with all its rights and privileges, with the right to collect the tolls allowed for passing said bridge as a separate charge, to be added to the following tolls allowed for traveling the road. To purchase bridge.

SEC. 8. *Be it further enacted*, That the said company shall have the right to erect one or more toll gates, which, with the road and bridges, shall be free from taxation, and to demand for travelling said road the following tolls, to-wit: On every carriage of pleasure, one dollar; on every gig or sulky, fifty cents; on every six horse wagon, one dollar; on every five horse wagon, ninety cents; on every four horse wagon, seventy-five cents; on every three horse wagon fifty cents; on every two horse wagon, thirty-seven and a half cents; on every cart, twenty-five cents; on every peddler's wagon, whether owned or used by a citizen of Cherokee or any other person, one dollar; on each horse or mule without a rider, three cents; on sheep and hogs, two cents each; on every head of cattle, three cents each; on every animal designed for public exhibition, one dollar; travelers on horse back ten cents each; which shall not be altered without the consent of the General Assembly: *Provided, however*, That nothing herein contained shall be so construed as to prevent the company from granting yearly tickets on such terms as may be agreed on at reduced prices. Toll gates.

SEC. 9. *Be it further enacted*, That the company shall have the right to refuse a passage on said road through the gates until the tolls herein authorized are paid. Tolls to be paid.

SEC. 10. *Be it further enacted*, That upon the payment of the tolls at one gate, that it shall be the duty of the company to furnish tickets to pass any other gate or gates, which may be on said road established by the company. Tickets.

SEC. 11. *Be it further enacted*, That in case any person shall pass through or drive around the gates without first paying the tolls, after travelling any portion of the road, or by falsely representing themselves citizens of the county of Cherokee, shall forfeit and pay ten dollars for each and Penalty for evading payment.

every offence, to be recovered by warrant before any justice of the peace in the county of Cherokee, and sued for in the name of the company.

Hands to work
road.

SEC. 12. *Be it further enacted*, That all persons liable to work on public roads, residing within two miles of the road, shall be entitled to work on the said road, under the directions of the company, six days in each and every year, and shall, when notified, be liable to the payment of one dollar per day for each and every day so failing to perform the duties herein imposed, except, however, such hands as are liable to work six days in each year on the Western Turnpike, or some other Turnpike, and they shall be exempt from working other public roads.

SEC. 13. *Be it further enacted*, That travelers on the road herein authorized to be constructed shall be entitled to travel two miles on the Western Turnpike, from the point of crossing the same, free from the payment of tolls on that road.

Citizens of
Cherokee.

SEC. 14. *Be it further enacted*, That the citizens of Cherokee county, after a residence of twelve months, shall be entitled to pass said road, from the Tennessee line to its southern terminus with vehicles and stock owned by them, free from the payment of the tolls herein authorized to be paid.

SEC. 15. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 7th day of February, 1859.*]

Chap. 226. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE QUALLA TOWN AND OCONALUFITA TURNPIKE COMPANY," PASSED AT THE SESSION OF 1856-'57.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 2nd, 6th, 7th and 8th sections of said act be and the same are hereby amended as follows, to wit: The company shall have the right to extend their road from Qualla Town, a route to be selected by them, or along the Tuckasege and Keowee turnpike to its

junction with the Tuckasegee turnpike, a distance of three miles; thence along that turnpike to the Tuckasegee river, for which no tolls shall be charged; and to construct a bridge across said river at the point selected for the accommodation of both roads, on which the said Oconaluftee and Qualla Town Turnpike Company shall be entitled to demand and receive the following tolls, to wit, payable by all persons traveling the road that crosses at that place: For every foot passenger, two cents; for each horse or mule with a rider, five cents; without a rider, two cents; for every one horse cart, ten cents; for every one horse buggy, ten cents; for every two horse buggy, twenty cents; for every two horse wagon used in the transportation of produce, ten cents; for every three horse wagon used in the transportation of produce, fifteen cents; for every four horse wagon used in the transportation of produce, twenty cents; for every five horse wagon used in the transportation of produce, twenty-five cents; for every six horse wagon used in the transportation of produce, thirty cents; for every four wheeled carriage of pleasure, fifty cents; for every peddler's wagon, fifty cents; for every animal intended for public exhibition, twenty-five cents; for every head of cattle, two cents; for every head of sheep or hogs, one cent.

SEC. 2. *Be it further enacted*, That the tolls on the bridge shall be separate and apart from the tolls on either road; and the subscribers of stock for the bridge may by and with the consent of the Oconaluftee Turnpike Company, form themselves into a separate company as provided in the act of incorporation contained in the Revised Code, and as such have and exercise all rights and privileges, and be entitled to the same protection given to the bridge company at Niyoh, with the same duration of charter as granted to the Oconaluftee Turnpike Company. Tolls on bridge.

SEC. 3. *Be it further enacted*, That as soon as two hundred dollars shall have been subscribed for the construction of the bridge across the Tuckasegee river, the agent of Cherokee bonds as provided in the 8th section of the act of 1856-'57, shall subscribe and pay three hundred dollars; and as the subscription may be increased by individuals or When \$200 are subscribed.

by the contractor receiving stock in payment, the subscription shall be increased to an amount to complete the bridge with a suitable house for the toll collector to live in ; payment to be made on the part of the State, as provided in said act, in Cherokee bonds given for refused and other lands, upon the certificate of the president of the Oconaluf-ta Turnpike Company, or the president of the bridge company, to be known by the name and style of the Tuckase-gee Bridge Company.

Right to extend
road

SEC. 4. *Be it further enacted*, That as provided in the recited act of 1856-'57, the Oconaluf-ta Turnpike Company shall have the right to extend their road from the bridge along the Tuckasege turnpike, to a point to be selected by the company, on Wessr's creek, and up said creek three miles, of the width provided in the charter, and be entitled to demand and receive additional tolls in proportion to distance as soon as this part of the road is completed.

SEC. 5. *Be it further enacted*, That the company shall have the right to extend their road from the point designated by subscription or sale of stock, and the subscription on the part of the agent of Cherokee bonds, as provided in the recited act, until the whole road is completed as contemplated by the said act.

SEC. 6. *Be it further enacted*, That it shall be competent for the company to charge increased tolls, in proportion to distance, as the construction of said road progresses.

Width and
grade.

SEC. 7. *Be it further enacted*, That the company may at first construct the road from the point designated on Wesser's creek, of such width and grade as the Tuckasege and Nantahala Turnpike Company were authorized to construct their road, and be allowed the same tolls, and the same length of time to complete their road agreeably.

Right to con-
struct road.

SEC. 8. *Be it further enacted*, That the Oconaluf-ta Turnpike Company, under the provisions of the acts granting the charter, and by the 7th section of this act, shall have the right to construct a road from some point near the top of the Smoky or Iron mountain, along said mountain to Mount Clingman ; thence to be continued, if the company desire to do so under the provisions of the recited acts, to a point on the line of the Blue Ridge railroad. And stock-

holders for this branch shall have the right to receive subscription of stock in sums of five dollars, and as soon as any portion of the road is completed, to demand and receive tolls in proportion to distance, also to have the right to form themselves into a separate company, with all the rights and privileges conferred upon the Oconalufita Turnpike company, but as a separate company.

SEC. 9. *Be it further enacted*, That provided the agent of Jackson county subscribe and pay the amount of stock authorized to be subscribed for the Tuckasege Turnpike Company, and as much as five hundred dollars of the bonds issued or to be issued by Jackson county, bearing an interest of six per cent., shall be delivered to the Tuckasege Turnpike Company within six months; then and in that case persons exempt from paying tolls on the Tuckasege and Keowee Turnpike, shall also be entitled to pass the bridge across the Tuckasege river, from the payment of the tolls authorized to be received under this act.

Bonds issued
by Jackson
county.

SEC. 10. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act shall be and the same are hereby repealed.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

AN ACT TO AMEND THE ACTS, ENTITLED AN ACT TO INCORPORATE THE TUCKASEGE AND KEOWEE TURNPIKE COMPANY, PASSED AT THE SESSION OF A. D., 1850-'51, 1854-'55 AND 1856-'57. Chap. 227.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said acts be and they are hereby amended as follows, to-wit: That the branch authorized to be constructed by the 3rd section of said act shall have a maximum grade of not more than one foot perpendicular to twelve feet horizontal, and shall be fourteen feet wide inside cuttings, and sixteen feet wide on level ground, with the necessary bridges, culverts and drain ditches, built

Amendments.

under the same plan as the Tuckasege and Keowee Turnpike road, of which it is a branch.

When \$200 are
subscribed.

SEC. 2. *Be it further enacted*, That as soon as the sum of two hundred dollars shall have been subscribed by solvent individuals, able to pay, the agent of the State for the Cherokee lands in the counties of Cherokee and Macon, shall subscribe on the part of the State three hundred dollars in bonds given for lands, and in like manner as the subscription shall be increased by individuals, the agent of the State for Cherokee lands shall increase in proportion until the road is completed: *Provided*, That the agent of the State shall not subscribe more stock at any time than he has bonds on hand for lands.

County bonds.

SEC. 3. *Be it further enacted*, That the subscription authorized by the 6th, 7th and 8th sections of the act of 1854-'55, and section 7 of the act of 1856-'57 by the county of Jackson, be so amended as to authorize the chairman of Jackson county court to issue bonds of one hundred dollars each to the amount of two thousand dollars, bearing six per cent interest, and running twenty years from date as provided for in the above recited acts, and be disposed of as provided in the above recited acts.

Location.

SEC. 4. *Be it further enacted*, That the present location of the Tuckasege and Keowee Turnpike road be and is hereby legalized, with a branch to intersect with Col. William Sloan's road at the South-Carolina line under the same provisions and restrictions as the main trunk road.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed, and this act shall be in force from and after its passage. [*Ratified the 15th day of February, 1859.*]

Chap. 228. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRANCH TO THE TUCKASEGE AND KEOWE TURNPIKE, IN THE COUNTY OF JACKSON," PASSED AT THE SESSION OF 1856-'57.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-*

thority of the same, That whereas the required amount of individual stock has been subscribed, and the branch of road located and put under contract, from the Tuckasege and Keowe Turnpike to the line of the Blue Ridge railroad, the said location is hereby declared lawful, and shall not be changed without the consent of the company.

SEC. 2. *Be it further enacted*, That the stockholders who have subscribed stock for said branch of road shall have the right to form themselves into a separate company, under the provisions of the act of incorporation contained in the Revised Code, under the name and style of the "Tuckasege Turnpike Company." Separate company.

SEC. 3. *Be it further enacted*, That the company, when formed as herein provided, shall have a corporate existence of sixty years from and after the completion of the road, and be entitled to all the rights and privileges conferred, or intended to be conferred on that branch of the road by the act of 1856-'57, or any other previous acts, and to demand and receive the tolls after the road is completed, as provided in said acts in proportion to its length. Corporate existence.

SEC. 4. *Be it further enacted*, That in making subscriptions on the part of the State, as provided in the act of 1856-'57, by the agent for Jackson county, shall also extend to the agent of Cherokee lands so as to authorize him to subscribe to one-half the amount required for said road, and to pay the same out of any funds which may be in his hands, upon the certificate in favor of the contractors, which may be issued by the president of the company, formed as herein provided. State subscription.

SEC. 5. *Be it further enacted*, That the tolls on the bridge, authorized under the act of 1856-'57, to be constructed on the line of said road across the Tuckasege river shall also be paid for by the joint subscription and payment of both agents in the proportion provided for in the 4th section, unless the amount of bonds in Jackson county be insufficient, in that case the agent of Cherokee lands shall supply the deficiency. Tolls on bridge.

SEC. 6. *Be it further enacted*, That the said company shall have the right to demand and receive the following tolls in addition to the other tolls allowed, as a separate Additional tolls.

charge for the benefit of the said turnpike company: for every four wheeled carriage of pleasure, forty cents; for every gig or sulky, twenty cents; for every five or six horse wagon, twenty-five cents; for every four horse wagon, twenty cents; for every two horse wagon, ten cents; for [every] one horse wagon or cart, ten cents; for peddler's wagons of every description, one dollar; for horses and mules with riders, five cents; without riders, two cents; for every head of cattle, two cents each; for every head of hogs and sheep, one cent each; for every animal intended for public exhibition, fifty cents; for foot passengers two cents each, the change to be prepared by the persons making application pass the bridge.

SEC. 7. *Be it further enacted*, That the company shall have the right to refuse a passage on said bridge to all persons until the tolls herein authorized are paid.

May reduce
tolls.

SEC. 8. *Be it further enacted*, That nothing herein contained shall prevent the company from reducing the said tolls, and from granting yearly tickets for passing said bridge, upon such terms as may be agreed upon, but the company shall have no power to increase the said tolls without the consent of the General Assembly.

SEC. 9. *Be it further enacted*, That the right to keep up the bridge and receive the tolls herein authorized shall extend the same length of time as authorized to be received for passing the said road.

SEC. 10. *Be it further enacted*, That all the contractors on said road shall be liable to the president and directors of the company herein authorized to be formed, instead of Tuckasegee and Keowee Turnpike Company.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 4th day of January, 1859.*]

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO INCORPORATE *Chap. 229.*
 THE JONATHAN'S CREEK AND TENNESSEE MOUNTAIN TURNPIKE
 COMPANY, PASSED AT THE SESSION OF 1856-'57.

SECTION 1. *Be it enacted by the General Assembly of the* To open books.
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That the Jonathan's Creek and Tennes-
 see Mountain Turnpike Company shall have the right to
 open books for the subscription of stock under the directions
 of such agents and at such times and places as the president
 and directors may appoint.

SEC. 2. *Be it further enacted,* That as soon as the sum When \$200 are
 of two hundred dollars shall have been subscribed by solvent subscribed.
 individuals the agent of Cherokee bonds shall subscribe as
 provided for in the 2d section of the act of 1856-'57 two
 hundred dollars, and in like manner as the subscriptions
 may be increased by individuals as herein provided, the
 subscriptions shall be increased on the part of the State
pari passu until the whole road is completed from Waynes-
 ville to the line of Henderson county, to be located by the
 stockholders, owning the individual stock.

SEC. 3. *Be it further enacted,* That the company shall Separate com-
 have the right to form themselves into a separate company pany.
 by the name and style of the Pigeon River Turnpike Com-
 pany, and as a separate company shall have the same rights
 and privileges, and be liable to the same restrictions as the
 Jonathan's Creek and Tennessee Mountain Turnpike Com-
 pany, with the same duration of charter, and when the road
 is completed and received as herein provided, shall be
 entitled to the same tolls in proportion to distance authorized
 on the Jonathan's Creek and Tennessee Mountain Turnpike,
 with this difference, that the company shall have the right
 to put up one or more toll gates, which with the shares of
 stock shall be free from taxation, and to receive tolls from
 all persons except such as are required to work on said road
 or are the owners of one share of stock in said road.

SEC. 4. *Be it further enacted,* That the company shall To open books.
 have the right to open books in the county of Henderson
 for the subscription of stock to extend said road, which is to
 be in point of width, grade and other requirements at least

equal to the Jonathan's Creek and Tennessee Mountain Turnpike, and provided an amount of stock shall be subscribed in shares of twenty dollars each, as provided for in the foregoing sections equal to three hundred dollars or more per mile by solvent individuals, then the company may put that part of the road under contract to be paid for out of said subscriptions, and in stock of the company for that portion of the road to be extended to the Jones Gap road.

Stockholders in
Henderson.

SEC. 5. *Be it further enacted*, That the stockholders in Henderson county shall have the exclusive right to put up a toll gate or gates, and to appoint toll gatherers to demand and receive the same tolls, in proportion to distance authorized to be received on the Jonathan's Creek and Tennessee Mountain Turnpike for their separate use to be distributed among the stockholders in proportion to the stock owned by them.

SEC. 6. *Be it further enacted*, That this portion of the road shall be of the same description as provided for the other portions of the road, and have the same advantages, and be liable [to] the same restrictions as the other divisions of the road.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification, and continue in force sixty years. [*Ratified the 16th day of February, 1859.*]

Chap. 230. AN ACT TO AUTHORIZE THOMAS T. PATTON, OF THE COUNTY OF BUNCOMBE, TO ESTABLISH A TURNPIKE ROAD IN THE COUNTIES OF BUNCOMBE AND YANCEY.

Preamble.

WHEREAS, The pinnacle of the Black Mountain is the recognized highest point of mountain range in the United States, east of the Mississippi river, and as the last resting place of the remains of the late Professor Mitchell has attracted so much of the public attention, not only in this State but throughout the United States, and whereas it is very desirable as promotive of public convenience, that a well graded and located road be constructed to the afore-

said pinnacle in order to facilitate an easy ascent to the same. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners
State of North-Carolina, and it is hereby enacted by the
authority of the same, That the Hon. John L. Bailey, John
 Burgin and Montreville Patton, be and they are hereby ap-
 pointed commissioners to review and lay out a road on the
 best ground the intervening country will afford for a turn-
 pike road commencing near the head waters of Swananoa
 river, on the land of the Hon. John L. Bailey, and running
 along the line of the Black Mountain by way of the Moun-
 tain House, a summer residence of the late William Patton,
 to the point on the mount where the late Professor Mitchell
 is interred, the highest peak of said mountain.

SEC. 2. *Be it further enacted,* That the road so laid out *Conditions.*
 and located by the commissioners aforesaid, or any other
 three which may be appointed by said court, be vested for
 twenty-five years in Thomas T. Patton and his legal repre-
 sentatives of Buncombe county, on the following conditions:
 First, that the said Thomas T. Patton shall engage the ser-
 vices of a competent engineer, whose duty it shall be to lo-
 cate said road as nearly as practicable upon the grounds
 marked out by the commissioners aforesaid, and when so
 located, the said Thomas T. Patton shall make and complete
 said road sixteen feet wide, clear of obstructions, except
 those portions where side cutting may become necessary,
 and at those points said road shall be only twelve feet wide,
 clear of obstructions. Secondly, that the said Thomas T.
 Patton shall build and construct a bridges necessary on
 said road, at least twelve feet wide. Thirdly, that the ac-
 clivities of said road shall not exceed one foot perpendicu-
 lar to eight feet horizontal, and recurrence to this steepness
 shall be had as seldom as possible in the construction of said
 road.

SEC. 3. *Be it further enacted,* That upon the said Thomas *Toll gate.*
 T. Patton or his legal representatives, making it appear to
 the satisfaction of said commissioners or any other three
 which may be appointed by said court, that the said road
 has been fully completed, to the said Mountain House,
 agreeably to the second section of this act, the said Thomas

T. Patton shall be authorized to erect a toll gate across said road and receive the following tolls, to wit: For every man and horse passing through said gate, twenty-five cents; for every horse or mule, twelve and one-half cents; for beef cattle, sixteen cents per head; for stock cattle, four cents per head; for hogs and sheep two cents per head; for road wagons, one dollar and fifty cents each; for four wheel pleasure carriages, one dollar and fifty cents each; and for carriages and vehicles of every other description, one dollar each: *Provided*, That the United States mail, the sheriff, his deputies and constables of said counties in the discharge of their official duties, shall pass said gate free of charge.

Commissioners

SEC. 4. *Be it further enacted*, That the first county court, after it shall be made to appear the said road has been completed according to the provisions of this act, shall appoint five commissioners, three of whom shall have power to act, none of them being related to or connected with the said Thomas T. Patton, whose duty it shall be upon complaint or information of a reliable character made to any of them, or any others which may be appointed by said court, that the said road is and has been out of repair for the space of fifteen days together, to review the same, and if it has so been out of repair for said space of time, to order the gate to be thrown open, and the gate keeper to cease receiving tolls until the said road shall be repaired and put in good order, to be judged of by said commissioners, or any others which may be appointed by said court; and if the said Thomas T. Patton, shall receive any tolls, through his said agent or gate keeper, during the time the said road is adjudged so to be out of repair, he shall forfeit and pay for every offence ten dollars, to be recovered by warrant, before any justice of the peace of said county, one-half to be applied to the use of said county, and the other half to the use of the person suing for the same; and the said Thomas T. Patton, or his legal representatives, shall pay said commissioners one dollar each per day, for whatever time they may be employed in reviewing said road, on complaint or information to them, which said complaint or information must be made on oath, before some justice of the peace of said county, and be certified to,

under his hand and seal, which said certificate, appended to said information on complaint shall be authority to bring suits for the penalty aforesaid.

SEC. 5. *Be it further enacted*, That when any lands for the right of way may be required by the said Thomas T. Patton, or his legal representatives, in the construction of said turnpike road, or for the uses or repairs of said road, as described in this act, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, upon fair and equitable terms, the said John L. Bailey, John Burgin and Montreville Patton, commissioners aforesaid, or any other three which may be appointed, shall have the same powers to condemn all such lands belonging to individuals or corporations, as may be needed for the aforementioned purposes, as were granted and conferred upon the North-Carolina Railroad Company, by their act of incorporation.

SEC. 6. *Be it further enacted*, That if the said Thomas T. Patton, or his legal representatives, shall not complete the said road according to the provisions heretofore prescribed by this act, within three years from and after the passage of this act, the privileges hereby granted to the said Thomas T. Patton, and his legal representatives shall cease and determine.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE TENNESSEE VALLEY TURNPIKE COMPANY. *Chap. 231.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of constructing a Turnpike Road from the Georgia line, at or near the Locust Stake, passing Franklin and Burningtown to the mouth of Nantahala river or near that point, a corporate company is hereby authorized to be formed, to be styled "The Tennes-

Company to be formed.

see Valley Turnpike Company," which company when formed as hereinafter prescribed shall have a corporate existence as a body politic in this State for the term of fifty years from the completion of said Turnpike road, and by that name and style may sue and be sued, plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter at pleasure, and shall have and enjoy all other rights and privileges which other corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations for the government of the corporation as may be necessary, not inconsistent with the constitution and laws of the State.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, which may be increased if necessary to a sum sufficient to construct the road, and so soon as twenty-five hundred dollars shall have been subscribed as hereinafter provided, the company shall be regarded as formed and may proceed to organize as such.

Commissioners

SEC. 3. *Be it further enacted*, That George N. Rush, John H. Addington, D. L. McDowell, William Angel, N. G. Allman, T. P. Siler, Wm. H. Roane, Thomas Welch, Daniel McCoy, Allen Ammons and Joel Sawyers, or any three of them, be and they are hereby appointed commissioners to open books and receive stock to constitute said company; that at any time after the passage of this act they shall give notice by advertisement at five or more public places at least ten days previous, and open books at three or more places in Macon county, designed by them for that purpose; that the subscription of stock shall be in shares of twenty dollars each; that no one person shall be authorized to subscribe more than twenty-five shares (\$500;) that if after books have been kept open at three places, for five days, the amount subscribed shall be less than twenty-five hundred dollars, then any of the stockholders may increase their subscription not exceeding fifty shares (\$1,000) each; and after the company shall have been organized as hereinafter provided, an opportunity for all citizens to take stock in said company for one month; if the amount of stock

taken shall be less than ten thousand dollars, then the stockholders may increase their subscriptions, under the regulations of the corporation, until that amount shall have been subscribed, or a greater amount if it is necessary, to construct the road.

SEC. 4. *Be it further enacted*, That as soon as the sum of twenty-five hundred dollars shall have been subscribed, the commissioners aforesaid shall give notice by advertisement, at three or more public places in Macon county, ten days previous to the day designated for the stockholders to meet, in Franklin, at which time and place, at least half the stock in said company being represented, the stockholders shall proceed to elect from among their number a president, treasurer and nine directors, who shall hold their respective offices one year, and until others are chosen; and the said directors, or a majority of them, shall have power to perform all duties necessary for the government of the corporation and the transaction of its business, and shall fill any vacancy which may occur in their own body by death, resignation or otherwise, during the period for which they may have been elected, and in the absence of the president may appoint a president *pro tem.*, from among the stockholders.

Notice of meeting.

SEC. 5. *Be it further enacted*, That the election of president, treasurer and directors shall be by ballot, each stockholder owning one or two shares, shall have one vote; owning three, four or five shares, two votes; owning more than five and less than ten shares, three votes; ten, and less than twenty shares, four votes; and more than twenty shares, five votes; and a majority of all the votes cast shall be necessary to a choice; and at all such elections the stockholders may be represented either in person or by proxy, and proxies shall be verified in such manner as the by-laws of the company may prescribe.

President, &c.

SEC. 6. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock, in such instalments as the interest of the company may require; or if they see proper they may require each stockholder to give bond or bonds, with or without security, as they may determine, for the amount of his stock, and issue to the

Instalments.

members of the company certificates of stock, which may be transferred in such manner as the by-laws of the company may prescribe.

Power to
contract.

SEC. 7. *Be it further enacted*, That the president and directors or a majority of them, (on behalf of the corporation) have power and authority to contract and agree with any person or persons for laying off, constructing and improving said road or any part thereof; and the said turnpike road hereby authorized to be made shall be at least sixteen feet wide, clear of all obstructions; and its grade shall not be steeper than one foot perpendicular for every sixteen feet horizontal, and good bridges shall be made and kept in proper condition over all such streams over which said road shall pass, as are liable in times of high water to obstruct travelling.

Right of way.

SEC. 8. *Be it further enacted*, That where any lands or right of way may be required by said company for the purpose of constructing said road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners thereof, the same may be taken at a valuation to be made by twelve competent jurors, to be appointed in the following manner, viz: On application of the company to any justice of the peace in the county where such land may be situated, he shall issue his warrant to the sheriff, commanding him to summon twelve disinterested jurors, citizens of such county to meet on the land at a time designated by the sheriff, not more than twenty days from the date of such warrant, of which the owner of such land shall also have due notice, and when twelve jurors shall have met, the sheriff shall administer to them on oath that they will impartially value the lands in question; and the loss or damage that may be sustained by the owner or owners in consequence of the right of way being surrendered, and the proceedings of said jurors with all the facts in consideration therewith, shall be returnable under the hands and seals of a majority of said jurors to the clerk of the county court, to remain a matter of record; and on payment or tender to the owner or owners of such lands of the valuation of said jury, the lands or right of way shall vest in the corporation so long as the same may be used for the purpose of a turnpike

road: *Provided nevertheless*, That if either party shall be dissatisfied with the valuation of the jury, an appeal may be taken and the proceedings returned by the sheriff to the superior court.

SEC. 9. *Be it further enacted*, That the said road, with the improvements thereon which may be made in pursuance of this act shall be taken and considered as a public highway, free for the passage of all persons, animals and carriages of every description, on payment of the tolls imposed by this act, and no higher tolls for the use of said road shall at any time thereafter be imposed without the consent of the Legislature.

Public highway.

SEC. 10. *Be it further enacted*, That all hands subject to work public roads, who now reside or may hereafter reside within one mile of said turnpike road, and on the west side of Tennessee river, except such as are or may be liable to work on the Western turnpike road, shall be required to work six days in every year on the Tennessee River turnpike road, and shall be exempt from working on all other roads, and shall be subject to the same penalties for failing to work on said road when warned by the agent of the company, and recoverable in the same manner as fines are now collected from persons failing to work on public roads in this State.

Hands to work road.

SEC. 11. *Be it further enacted*, That as a compensation to the said stockholders for constructing and keeping in repair said road and the erection of toll gates and other necessary works, the profits of said road are hereby vested in them, their heirs, executors, administrators and assigns as tenants in common for the term of fifty years, to be computed from the time of the completion of the first section of said road; and it shall and may be lawful for the president and directors, during said term to cause to be erected two toll gates, viz: One at some convenient point between the Georgia line and Franklin, and one at some point between Franklin and the northern terminus of the road, at or near the mouth of Nantahala, and at each gate may demand and receive the following tolls, viz: On every stage coach, four wheel carriage of pleasure and six horse wagon, sixty cents; on every buggy, gig, sulkey, two horse wagon, pedlar wag-

Toll gates, &c.

on or road cart, forty cents; on every three or four horse wagon, fifty cents; on every animal designed for exhibition, one dollar; on horses, mules and cattle, three cents each; on hogs and sheep, two cents each; travellers on horse back, ten cents each; and if any person shall refuse to pay tolls at the time of offering to pass any place designated for their collection the gate keeper may refuse passage to such person; and if any one shall pass through without paying the toll required, or drive round any toll gate, any wheel carriage or animal subject to pay toll, he shall be liable to a fine of five dollars, to be recovered by warrant before any magistrate in the county wherein such toll gate may be situated; *Provided*, That no stockholder in said road, nor any person liable to work on said turnpike or whose slave or slaves are required to work on said road, nor any citizen of Macon, within ten miles of his residence, nor the families of such persons, nor any minister of the gospel, or physician in meeting the calls of his profession, shall be charged with any tolls on said turnpike.

Process.

SEC. 12. *Be it further enacted*, That notice on the principal agent, president or directors of said company, shall be deemed and taken to be due and lawful notice of service of any legal process.

SEC. 13. *Be it further enacted*, That the company hereby authorized to be formed shall be liable to indictment before any court of competent jurisdiction for failing to keep said road in good repair.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the — day of —, 1859.*]

Chap. 232. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO INCORPORATE THE CHEOE TURNPIKE COMPANY," PASSED AT THE SESSION OF 1856-'57.

To open books.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That instead of the commissioners therein referred to, the president of the Cheoe Turnpike

shall open books at such times and places, and under the directions of such agents as he may deem proper for the subscription of stock to construct a bridge across the Tennessee river at the point designated in the recited act, with power to form a separate company if they desire to do so under the name and style of the Nyokee Bridge Company, which, when formed, shall have all the rights and privileges with the subscription of the same amount of stock by the agent of Cherokee lands as provided under the recited act.

SEC. 2. *Be it further enacted*, That until the said bridge is completed, the owner of the ferry at Nyokee shall have the exclusive right to demand and receive the tolls prescribed in the second section of the recited act; but as soon as the bridge shall be completed, the rights to receive tolls for the ferry shall cease, and shall thereafter be enjoyed and exercised by the bridge company sixty years; and no other bridge or ferry shall be established within five miles of this bridge on said river. Tolls.

SEC. 3. *Be it further enacted*, That so much of the 2nd section of the recited act as relates to the construction of a branch of said road to Nantahala river, and all other provisions of any former acts coming in conflict with this act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 4th day of January, 1859.*]

AN ACT TO AUTHORIZE THE MAKING OF A TURNPIKE ROAD FROM MORGANTON, IN BURKE COUNTY, TO THE CRANBERRY FORGE, IN WATAUGA COUNTY. Chap. 233.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That J. J. Erwin, Daniel J. Forney, Hugh C. Tate, Elijah S. Moore, James E. Estes and Benjamin Barrier, of Burke county, and Marcus Tuttle, Zachariah Peerey and Tyre Webb of Watanga county, be and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the Commissioners

amount of ten thousand dollars, which shall constitute the capital stock of the company hereby incorporated, for the purpose of making and keeping in repair a turnpike road commencing at Morganton and running thence via the Piedmont Springs, in Burke county, to the Cranberry Forge, in Watauga county. The said road to be of the following dimensions, to wit: From Morganton to the Piedmont Springs sixteen feet wide, clear of obstructions, except where side cuttings be necessary; in which case the road shall be twelve feet wide; from the Piedmont Springs to the Cranberry Forge, the road shall be fourteen feet wide, except where side cuttings be necessary, and in that case twelve feet wide; all necessary bridges shall be twelve feet wide, and the grade of said road shall not exceed one foot in ten.

Shares.

SEC. 2. *Be it further enacted*, That the aforesaid capital stock shall be divided into shares of twenty dollars each; and as soon as five thousand dollars of the stock shall be subscribed, it shall be the duty of the commissioners to notify the stockholders, by advertisement, to require their attendance at such time and place as they may designate, and if stockholders holding a majority of the shares subscribed, shall attend the said general meeting, it shall and may be lawful for the stockholders to appoint a president, treasurer and directors for the term of one year and until the next general meeting of the stockholders, and the president and directors, when so appointed, and their successors in office shall constitute a body corporate and politic in law, by the name and style of "the Morganton and Cranberry Turnpike Company;" may sue and be sued, plead and be impleaded, and as such shall have perpetual succession and a common seal, and have all other powers, rights and privileges incident to corporate companies which may be necessary to carry into effect the object of this incorporation.

Votes.

SEC. 3. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportion following, that is to say: For one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above

ten and not exceeding twenty, one vote; and for every eight shares thereafter, one vote.

SEC. 4. *Be it further enacted*, That the owners of a ma- Commissioners
 jority of all the shares subscribed, shall have power to ap-
 point commissioners to lay off and make the location of said
 road, and make and ordain all by-laws for the government
 and regulation of said company and the officers thereof,
 and shall have authority at any time to remove from office
 the president and directors of said company, or any of them,
 and appoint others in their stead, and shall from time to
 time in general meeting, make all such rules and regula-
 tions as they may deem necessary for the well ordering and
 better regulation of the concerns of said company. The
 president and directors of said company shall have power
 to make such rules and regulations as may be necessary for
 the management of the affairs of said company, not incon-
 sistent with the by-laws of the stockholders, which shall be
 in force until the next general meeting. It shall be further
 the duty of the president to make a full and fair statement
 of the affairs of the company to each general meeting of
 the stockholders, unless otherwise ordered, and employ such
 agents and officers as the affairs of the company may re-
 quire.

SEC. 5. *Be it further enacted*, That it shall be the duty Treasurer.
 of the treasurer to receive all moneys due the company, to
 keep a fair account of the same, and perform all such duties
 as may from time to time be assigned to him by the stock-
 holders.

SEC. 6. *Be it further enacted*, That the unappropriated Appropriation.
 bonds due from purchasers of Cherokee lands are hereby
 appropriated and pledged for one-third of the capital stock
 of said company, which shall entitle the State to all the
 rights, privileges and immunities of a stockholder to that
 amount: *Provided*, That it shall not affect any subscription
 for roads authorized to be contributed under other acts of
 the General Assembly, passed at the present or former
 sessions.

SEC. 7. *Be it further enacted*, That the stockholders shall, First meeting.
 at their first general meeting, fix on the terms and propor-
 tion in which stock subscribed shall be paid; and shall fur-

ther have power to declare the stock of delinquent stockholders forfeited.

Toll gates.

SEC. 8. *Be it further enacted*, That whenever said road shall be completed from Morganton to the Piedmont Springs, it shall and may be lawful for said company to erect a toll gate or gates, at such place or places as they may deem best, and demand and receive the following tolls, to wit: ten cents for every man and horse; for loose horses or mules, five cents; for hogs and sheep, one cent each; for cattle, 2 cents per head; for six horse wagons, fifty cents; for five horse wagons, forty cents; for four horse wagons, thirty-five cents; for three or two horse wagons, twenty-five cents; for stage coach, break wagon, four wheel pleasure carriage, fifty cents each; gig, sulky, cart or buggy, twenty-five cents each, and double said tolls whenever said road is finished to Cranberry Forge. No person living within two miles of said road, and who shall perform four days labor on said road in each year, if called upon by the person having charge of the repair of said road, shall be subject to the tolls imposed in this section.

Courts to appoint commissioners.

SEC. 9. *Be it further enacted*, That before any tolls shall be collected as aforesaid, the county courts of Burke and Watauga shall appoint one or more commissioners for the purpose of reviewing, receiving and seeing that the said road is kept up; and if at any time the company shall suffer the road to get out of repair, and remain so for the space of one month, the president and directors shall be subject to indictment, and on conviction shall be fined at the discretion of the court, and shall also have the gate or gates opened and kept open until the road shall be put in good repair. The commissioner or commissioners appointed by Burke court shall view, and receive, and see that the road is kept up in Burke county, and the Watauga commissioners in Watauga county, and they shall receive one dollar per day, for every day they are necessarily engaged in attending to the duties hereby imposed upon them, to be paid by the company.

Evading payment of tolls.

SEC. 10. *Be it further enacted*, That if any person or persons shall, for the purpose of avoiding the payment of the above recited tolls, either break through or go around

any of the gates, they shall be subject to pay five dollars, recoverable before any justice of the peace in the counties of Burke and Watauga.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification, and remain in force for the term of fifty years. [*Ratified 16th day of February, 1859.*]

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO INCORPORATE THE "SULPHUR SPRINGS AND PAINT ROCK TURNPIKE COMPANY," IN MADISON AND BUNCOMBE COUNTIES, PASSED AT THE SESSION OF 1854. *Chap. 234.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the capital stock of said company shall be increased to the sum of ten thousand dollars, and to enable the company to obtain this amount of stock, or such amount as may be necessary and required to complete their said road, according to the provisions of said charter, the president and directors of said company are hereby authorized, from time to time, to open books at such places as in their judgment the interest of the company may require and receive subscriptions of stock in shares of twenty dollars each, which said shares may be paid in material or labor. *Capital stock.*

SEC. 2. *Be it further enacted*, That all lands over which said road may pass, when it shall have been located, may be secured by and held by said company, and in case the company and the owner or owners of the lands cannot agree as to the value, the president and directors of said company may apply to a justice of the peace in the county in which said lands are situate, whose duty it shall be to issue a summons in writing directing the sheriff to summon five freeholders to ascertain and assess the damage done to said lands if any, and upon the payment of said assessed damage the lands shall vest in the company for the uses and purposes of said road: *Provided, however*, That the president of said road shall first give ten days notice in writing *Right of way.*

Additional
tolls.

to the owner or owners of said lands of his intention to apply to such justice for said [?] to issue.

SEC. 3. *Be it further enacted*, That in addition to the tolls already allowed to be received by said company, that they are hereby authorized to receive the further sum of ten cents for every man and horse at each toll gate on said road.

SEC. 4. *Be it further enacted*, That the company shall not erect gates nor be entitled to receive tolls at more than one gate on every twenty miles of said road.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 16th day of February, 1859.*]

Chap. 235. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO INCORPORATE THE CHEOE TURNPIKE COMPANY," PASSED AT THE SESSION OF 1854-'55.

Meeting.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the president of the Cheoe Turnpike Company to appoint a time and place for the stockholders of the Tusquitta branch of the Cheoe turnpike to meet, and at such meeting should a majority of the shares of the stock be represented, in person or by proxy, they shall proceed to form themselves into a separate company, and elect the officers of the same, to be known by the name of the Tusquitta Turnpike Company.

Rights, &c.

SEC. 2. *Be it further enacted*, That the company when formed, as herein provided, shall have all the rights and privileges conferred upon the Cheoe Turnpike Company, and to demand and receive the same tolls, in proportion to the length of the road, allowed to the Cheoe Turnpike Company.

SEC. 3. *Be it further enacted*, That all acts and clauses of acts coming in conflict with this act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That from and after the formation of a separate company, as herein provided, all

connection with the Cheoe Turnpike Company shall thenceforth cease, and the Tusquitta branch of the road shall be exclusively under the superintendence of the Tusquitta Turnpike Company, with all the advantages and subject to the same restrictions as the Cheoe Turnpike Company, with the same duration of charter.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the — day of —, 1859.*]

AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO AUTHORIZE *Chap. 236.*

THE MAKING A TURNPIKE ROAD IN THE COUNTY OF HENDERSON.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act passed at the session of the General Assembly of eighteen hundred and forty incorporating the Henderson Turnpike Company, in the county of Henderson, be altered, amended and modified and [as] follows, that is to say: That John Davis, senior, John Davis, jr., and David Hodge shall constitute the commissioners to open books and receive subscriptions instead of John Hightower and John Hodge who are dead, and said commissioners shall be invested with all the power and authority that were conferred upon the commissioners in the original act.

Alterations and amendments.

SEC. 2. *Be it further enacted*, That the said turnpike road shall commence at some suitable place on the Asheville and Greenville Plankroad, and not on the Bancombe Turnpike road, as provided for in section first in the original charter between Green river and the South-Carolina line, running thence to the South-Carolina line at or near where the Gap creek road strikes, or intersects the State line, so as to make a suitable connection with a similar road now chartered and under contract in the State of South-Carolina.

Where to commence, &c.

SEC. 3. *Be it further enacted*, That the time for the completion of said road, as provided for in section ten in the original charter, shall be extended five years from and after the ratification of this act, and that the powers grant-

Time for completion extended.

ed under the original act shall continue and vest in the said John Davis, sen'r, John Davis, jr., and David Hodge and their legal representatives, with all the rights and privileges incident thereto for the term of thirty-five years from and after the completion of said road as provided for in this amendatory act.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 237. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE THE TUCKASEGE AND NANTAHALA TURNPIKE COMPANY, PASSED AT THE SESSION OF 1856-'7.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 1st section of said act be and the same is hereby amended as follows: That the said company shall have the right to complete their road as required by their charter, with a bridge across the Nantahala, any time within one year from the date of the passage of this act, *Provided however*, That before the said company shall receive the tolls therein authorized, the road shall be completed as provided in the charter, with the bridge across Nantahala.

Court to
appoint com-
missioners.

SEC. 2. *Be it further enacted*, That upon the report of the company to the chairman of the county court of Cherokee, that the said road, which extends from the Western turnpike in the county of Cherokee to the Tennessee river, in the county of Macon is completed as herein provided, with the necessary drains, ditches, culverts, &c., it shall be the duty of the county court of Cherokee, a majority of the justices of the peace being present, to appoint two commissioners to examine said road, and provided it shall in their opinion be completed in accordance with the charter and amendatory acts, including this act, they shall deliver to

the president of the company a certificate certifying that the road is completed, and from thenceforward while the road with the bridge across Nantahala is kept in good order, the company shall be entitled to demand and receive the tolls therein provided: *Provided however*, That if the said road shall not be completed as required by this and the former acts within one year from the date of the passage of this act, the charter shall be forfeited and declared null and void, and it shall be the duty of the county courts in which said road is situated to proceed at once to have the road completed by the militia, and kept up as other public roads.

SEC. 3. *Be it further enacted*, That all the former acts not in conflict with this act shall be continued in force, and all acts coming in conflict with this is [are] hereby repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 8th day of January, 1859.*]

AN ACT TO AMEND THE CHARTER OF THE LITTLE RIVER TURN- *Chap. 238.*
PIKE COMPANY, IN THE COUNTY OF HENDERSON.

Be it enacted by the General Assembly of the State of Amendment.
North-Carolina, and it is hereby enacted by the authority of
the same, That the 8th section of the 292nd chapter of the
acts of the General Assembly of 1854-'55 be amended by
striking out the word "seventy," and inserting "twenty,"
so it may read twenty feet wide instead of seventy feet
wide. [*Ratified the 18th day of December, 1858.*]

AN ACT TO AUTHORIZE GEORGE J. MILLS, GABRIEL JACKSON, *Chap. 239.*
SR., LITTLETON GILLIAM AND ROBERT RUSSEL TO ESTAB-
LISH A TURNPIKE ROAD IN THE COUNTIES OF HENDERSON
AND POLK.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners
State of North-Carolina, and it is hereby enacted by the
authority of the same, That William Garren, Littleton Po-
tills and Rufus Edney be and they are hereby appoined

commissioners to view and lay off a road for a turnpike, commencing at the forks of the Mills gap road and the old Saluda gap road, twelve miles south of Asheville, and running along the present Mill gap road, making such alterations and changes as may be found expedient by said commissioners, by way of Edneyville, Point Lookout, Col. Hamilton's, on Green river, crossing the Blue Ridge at Mills gap, to George J. Mills, in the county of Polk.

In whom
vested.

SEC. 2. *Be it further enacted*, That the road so laid off be vested for thirty years in George J. Mills, Gabriel Jackson, Sr., and their legal representatives, Littleton Gilliam and Robert Russel of the counties of Henderson and Polk, on the following conditions: First, that the said George Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russell employ an engineer, in the event there is not one for said counties, to survey and locate said road to the best possible advantage, for its commencement and its terminus, and when so located the parties aforesaid shall make the same twenty feet wide, clear of obstructions, except where side cutting may be necessary, in which case the road shall be twelve feet wide; Secondly, that the said George J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russell shall construct all necessary bridges, at least twelve feet wide; Thirdly, that the declivities of said road shall not exceed one foot perpendicular to ten feet horizontal, and recurrence to this ascent shall be resorted to as seldom as possible.

Toll gates.

SEC. 3. *Be it further enacted*, That [when] the said Geo. J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russell make it appear to the satisfaction (or any others which may be appointed) of said commissioners that the said road has been fully completed to the same George J. Mills', agreeably to the second section of this act, the said George J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russel, shall be authorized to erect one or two toll gates, as the company may deem most expedient, across said road, at such points as they may think proper, and receive the following tolls, to wit: for every man and horse, ten cents; for every every loose horse or mule, five cents each; for every head of cattle, three cents each; for

every sheep, one cent each; for every head of hogs, one cent each; for every road wagon, one dollar each; for four wheel pleasure carriages, seventy-five cents each; and for carriages of every other description, fifty cents.

SEC. 4. *Be it further enacted*, That the first county court Commissioners at Hendersonville and Columbus, after it shall be made appear the said road has been completed according to the provisions (the said court at Hendersonville) of this act, shall appoint two commissioners, and the court of Columbus, Polk county one, two of whom shall have power to act, none of them being related or connected with the said Geo. J. Mills, Gabriel Jackson, Sr., Littleton Gilliam or Robert Russel, whose duty it shall be upon complaint, or any others which may be appointed by said court or information made to any of them, that the said road is and has been out of repair for the space of fifteen days together to review the same; and if it has been out of repair for said space of time, to order the gate or gates to be thrown open and the gate keeper or keepers to cease receiving tolls, until said road shall be put in repair, and the said George J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russel or any other which may be appointed by said courts, shall pay said commissioners one dollar each per day for whatever they may be employed in reviewing said road, on complaint or information made to them, which said complaint or information must be made on oath before some justice of the peace of said county of Henderson or county of Polk.

SEC. 5. *Be it further enacted*, That if the said George J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russel shall not complete said road according to the provisions heretofore prescribed by this act within three years from and after the passage of this act, the provisions hereby granted to the said George J. Mills, Gabriel Jackson, Sr., Littleton Gilliam and Robert Russel shall cease and determine.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 240. AN ACT TO AMEND THE CHARTER OF THE RICH MOUNTAIN TURNPIKE, IN THE COUNTY OF HAYWOOD, PASSED AT THE SESSION OF 1852.

To open books. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That books shall be opened for the subscription of stock at such times and places as a majority of the commissioners may determine.

When \$100,000 are subscribed. SEC. 2. *Be it further enacted,* That as soon as the sum of one thousand dollars shall have been subscribed of the capital stock of the company, upon a call of the majority of the commissioners, at such time and place as they may designate by public advertisement: *Provided,* A majority of the shares of stock be represented in person or proxy, they shall have right to organize by the election of the officers of the company.

May change road. SEC. 3. *Be it further enacted,* That the company when formed as herein provided, shall have the right to change the point designated in their charter for the commencement and termination of their road or to make any other change in the location deemed necessary, by and with the consent of owners of a majority of the shares of stock.

SEC. 4. *Be it further enacted,* That all acts and clauses of acts coming in conflict with this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted,* That all acts relating to the Rich Mountain Turnpike not altered or coming in conflict with this act be and the same are hereby continued in force, and the further time of two years allowed for the commencement of the construction of the road, and five years allowed for the completion as provided by the charter.

SEC. 6. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification, and the rights and privileges enforced by this and former acts shall continue sixty years. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AUTHORIZE THE MAKING OF A TURNPIKE ROAD IN *Chap. 241.*
THE COUNTIES OF BUNCOMBE AND MADISON.

SECTION 1. *Be it enacted by the General Assembly of* Commissioners
the State of North-Carolina, and it is hereby enacted by
the authority of the same, That J. W. Anderson, Edward
Carter, Thomas Avery, James S. McWassam, Thomas J.
Deaver, Luke Young, Thomas Carter, W. B. Anderson and
May Benjamin be and [are] hereby appointed commissioners,
with power and authority to open books and receive subscrip-
tions to the amount of five thousand dollars, which shall
constitute the capital stock of the company hereby incorpo-
rated for the purpose of making and keeping in repair a
turnpike road, commencing at some eligible point on the
public road leading from Asheville, in the county of Buncombe,
to Burnsville, in the county of Yancey, between William Barnes',
on said road, and Nehemiah Blackstock's, and running the
nearest and most practicable route, crossing the Walnut
Mountain, to some point on the Tennessee line, so as to form
the most direct connection with the leading roads to Jonesboro',
Tennessee. The said road when completed is to be of the
following dimensions, that is to say: sixteen feet wide, clear
of obstructions, except where said [side] cutting be necessary,
in which case said road shall be twelve feet wide, and all
necessary bridges shall be twelve [feet] wide, and the declivities
of the said road shall not exceed one foot perpendicular to
nine feet horizontal.

SEC. 2. *Be it further enacted,* That the aforesaid capital
stock shall be divided into shares of twenty dollars, Shares.
which said shares may be paid in material or work each, and
as soon as five hundred dollars of the stock shall be subscribed
it shall be the duty of the commissioners aforesaid, or a
majority of them, to notify the subscribers, by advertisement
or otherwise, to require their attendance at such time and
place as they may designate; and if stockholders, holding
a majority of shares subscribed, shall attend said general
meetings, it shall and may be lawful for the stockholders to
elect a president, treasurer and three directors, for the
term of one year, and until the next general meeting of

the stockholders, and the president and directors, when so elected, and their successors in office, or a majority of them, shall constitute a body corporate and politic in law, by the style and name of "Walnut Mountain Turnpike Company," may sue and be sued, plead and be impleaded, shall have perpetual succession, and a common seal, and have all the other powers and rights incident to corporate companies which may be necessary to carry into effect the object of this incorporation.

Votes.

SEC. 3. *Be it further enacted*, That the number of votes that each stockholder shall be entitled shall be according to the number of shares he shall hold in the propriation [proportion] following, that is to say: for one share and for not more than two shares, one vote; for every two additional shares not more than ten, one vote; for every four shares above ten and not exceeding twenty, one vote; and for every eight shares thereafter one vote.

Commissioners

SEC. 4. *Be it further enacted*, That the owners of a majority of all the shares subscribed shall have power to appoint commissioners to lay off and mark the location of the said road, and make and ordain all the by-laws for the government and regulation of said company and the officers thereof, and shall have authority at any time to remove from office the president and directors of the said company, or any of them, and appoint others in their stead, and shall from time to time, in general meetings, make all such rules and regulations as they may deem necessary for the well ordering and better regulation of the concerns of the said company. The president and directors shall have power to make such rules and regulations as may be necessary for the management of the affairs of the said company, not inconsistent with the by-laws of the stockholders, which shall be in force till the next general meeting. It shall be the duty of the president to make a full and fair statement of the affairs of the company to such general meeting of the stockholders, unless otherwise ordered, and employ such agents and officers as the affairs of the company may require.

Treasurer.

SEC. 5. *Be it further enacted*, That it shall be the duty of the treasurer to receive all monies due the company, to

keep a fair account of the same, and perform all such duties as may be from time to time assigned him by the stockholders.

SEC. 6. *Be it further enacted*, That the stockholders shall at their first general meeting, fix on the terms and proportion [proportion] in which stock subscribed shall be paid, and shall further have power to declare the stock of delinquent stockholders forfeited. First meeting.

SEC. 7. *Be it further enacted*, That when the road shall be completed as before directed, it shall and may be lawful for the company to erect one or more toll gates at convenient distances on said road : *Provided however*, That no toll gate is to be erected on the public road, leading from Asheville to the town of Burnsville, and demand and receive the following toll, that is to say : For man and horse, ten cents ; for loose horses and mules, five cents each ; for hogs and sheep, one cent each ; for cattle, four cents each ; for six horse wagon, one dollar and twenty-five cents ; for all other road wagons, one dollar each ; for two horse wagon or carryall wagon and buggies, fifty cents each ; for stage coaches, fifty cents each ; for four wheel pleasure carriages, fifty cents each ; for each gig, sulky or cart, twenty five cents each. Toll gates.

SEC. 8. *Be it further enacted*, That before any of the tolls shall be collected as aforesaid, the county courts of Buncombe and Madison shall each appoint one commissioner for the purpose of receiving said road after it is completed and seeing that the said road is kept up, and if at any time the company shall suffer said road to get out of repair and remain so for the space of one month, the president and directors shall be subject to indictment, and on conviction shall be fined at the discretion of the court and shall have the gate or gates opened and kept opened till the road shall be put in good repair, and the road commissioners shall receive the sum of one dollar for every day they are necessarily employed in receiving and making returns for said road, to be paid by the company. Commissioners

SEC. 9. *Be it further enacted*, That if any person or persons shall, for the purpose of avoiding the payment of the above recited tolls, either break through or go around the Avoiding payment of tolls.

above recited gate or gates, they shall be subject to pay ten dollars for each offence, recoverable before any justice of the peace of the county of Buncombe or Madison in an action of debt in the name of the president of the said company, to be applied to the repairs of the said road.

Right of way.

SEC. 10. *Be it further enacted*, That the president and directors may agree with the owner of any land over which said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be *femes covert* or under age, *non compos* or out of the State, on application to any two justices of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon a jury of twelve freeholders to meet on the lands to be valued on a day expressed in said warrant, not less than ten nor more than twenty days thereafter, and the sheriff on the receipt of said warrant shall summon the jury, and when met shall administer an oath of [or] affirmation, provided six or more appear, that they will impartially value the land in question and consider the damages thereof the owner may sustain in consequence of being divested of his property therein, and that he will not in the valuation spare any person through favor nor injure any one through hatred. The inquisition thus taken shall be signed by the sheriff and six or more jurors and returned to the clerk of the county court of said county to be recorded, and in all such cases the jury is hereby directed to describe the lands valued and such valuation shall be conclusive, and the president and directors shall pay the sum to the owner of the land valued or their representatives, and if neither can be found in the State or if found shall refuse to receive the money, then the clerk of the county court [?] and on payment thereof, the said corporation shall be seized in fee of the land so valued: *Provided*, No such condemnation shall authorize said company to appropriate any house, yard or garden of any person without the consent of the owners.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and all powers hereby granted shall cease at the expiration of thirty years

after the completion of said road. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE BLACK MOUNTAIN TURNPIKE *Chap. 242.*
COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporated.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That N. W. Woodfin, John Bugman,
J. W. Woodfin, Z. B. Vance, A. S. Merrimon and Dr. J. F.
E. Hardy, and their co-subscribers and successors in office,
their heirs and assigns, be and they are hereby declared to
be incorporated into a company under the name and style
of "The Black Mountain Turnpike Company," for the pur-
pose of constructing a Turnpike road from the town of
Ashville, in the county of Buncombe, commencing at the
corporate line one mile east of said town of Ashville, and
following the range of mountains from thence to the highest
peak of the Black mountains in Yancy county, with a capi-
tal stock of six thousand dollars, with the privilege of in-
creasing it to ten thousand dollars, in shares of twenty-five
dollars each.

SEC. 2. *Be it further enacted,* That under that name the *May open*
said persons may open books in the town of Ashville, or at *books.*
any other places they may think proper, and keep them
open until the said capital stock is subscribed, and may sue
and be sued, plead and be impleaded, and have perpetual
succession and a common seal.

SEC. 3. *Be it further enacted,* That the subscribers and *First meeting.*
stockholders shall, at their first annual meeting and at every
annual meeting thereafter, elect a board of not less than
three directors, which directors shall choose a president who
shall continue in office until their next annual meeting, and
until their successors shall be elected; but no failure to
elect shall work a forfeiture; and in the absence of the
president a majority of the board may appoint a president
pro tem. for the dispatch of business, and the board may
supply a vacancy in their body until the next annual meet-
ing after such vacancy occurs.

How governed. SEC. 4. *Be it further enacted*, That in all other things the said company shall be governed in accordance with the provisions of the act for the government of Turnpike and Plankroad Companies, and shall have all the necessary and usual privileges of making by-laws for their government, condemning land, collecting tolls, requiring bonds of their officers, representation of stock by proxies, &c.

SEC. 5. *Be it further enacted*, That this act shall take effect from the date of its acceptance by the company. [*Ratified the — day of February, 1859.*]

MISCELLANEOUS.

Chap. 243. AN ACT TO AUTHORIZE ST. PAUL'S CHURCH, BEAUFORT, IN THE COUNTY OF CARTERET, TO PURCHASE AND HOLD LAND FOR THE BURIAL OF THE DEAD, TO BE CALLED ST. PAUL'S CHURCH CEMETERY.

May hold lot,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That St. Paul's church, Beaufort, in the county of Carteret, may acquire, take and hold a lot or tract of land, for the purpose of establishing a burial ground in the town of Beaufort, not exceeding five acres, and may sell or otherwise dispose of such land, to be used exclusively as a cemetery or a place for the burial of the dead, by the name of "St. Paul's Church Cemetery;" and all moneys received for or on account of the sale of lots in said cemetery, shall be first applied by the corporation of St. Paul's church, Beaufort, to the payment of the purchase money of the land acquired by said corporation, and the residue thereof shall be applied to improving and embellishing such land and to any other useful purposes said corporation may deem expedient.

Exempt from
taxation.

SEC. 2. *Be it further enacted*, That the real estate of the said corporation, and the lots or plots when conveyed by said corporation to individual proprietary, shall be exempt from assessment and taxation, and not liable to be sold on

execution, or to be applied to the payment of debts by assignment under any insolvent law.

SEC. 3. *Be it further enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of the said cemetery, or of any tomb, monument or gravestone, or structure aforesaid, or of any cemetery lot within the cemetery lot [*within the cemetery*] aforesaid, or shall wilfully destroy, cut, break or injure tree, shrub or plant within the limits of the said cemetery shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court, and such offender shall also be liable in an action of trespass, to be brought against him or her in any court of competent jurisdiction, in the name of the said corporation, to pay all such damages as shall have been occasioned by his or her unlawful acts; and the members of the said corporation shall be competent witnesses in said suits.

Penalty for mutilating, &c.

SEC. 4. *Be it further enacted*, That the said lot or lots or parcel of land which the said corporation of St. Paul's church, Beaufort, is hereby permitted to purchase, shall remain forever dedicated to the purposes of a cemetery; and any lot or lots therein to be conveyed by the said corporation may be so conveyed that upon such conveyance thereof, or after there shall have been an interment thereon, the said corporation may have authority to restrict interments therein to such person or persons, or class of persons, as may for that purpose be designated and prescribed in the conveyance under which the said lot or lots shall be so taken and held.

To be a cemetery.

SEC. 5. *Be it further enacted*, That the said corporation may prescribe the form of conveyance for any lot or lots in said cemetery, and how and by whom, and in what manner the same shall be executed, and make all such by-laws, rules and regulations consistent with the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

Form of conveyance.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 244. AN ACT TO OPEN THE PEDEE AND YADKIN RIVERS FOR THE PASSAGE OF FISH.

Rivers to be opened.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter the Pedee and Yadkin rivers shall be opened and kept open from the 1st of March to the 15th of June in each and every year for the passage of fish in the following manner: From the line of the State of South-Carolina to the line of Davidson county, a space of water not less than one hundred feet wide, and from the line of Davidson as aforesaid to the line of Davie county, where the South river empties into the main Yadkin, sixty feet; from that point up to Wilkesborough, the space of fifty feet, and from the town of Wilkesborough to the mouth of Buffaloe Creek in Caldwell county, the space of thirty feet; *Provided*, That this act shall not be construed to extend to the South Yadkin river or any other tributary of Main or North Yadkin.

Channel.

SEC. 2. *Be it further enacted*, That the channel of the said Pedee and Yadkin rivers shall be of sufficient depth of water for the free passage of fish up said river, being of at least an average depth of the river through which it passes.

Obstructions.

SEC. 3. *Be it further enacted*, That all persons now having obstructed the passage of fish up said river either by the erection of mill dams or dams for any other purposes, or in any manner whatever, shall have obstructed the free passage of fish contrary to the true meaning of this act, and shall fail to remove all such obstructions on or before the first day of March next, or any other person or persons who may hereafter obstruct the said channel by dams, hedges, seins, weir, or in any way or manner, shall forfeit the sum of fifteen dollars for each and every four and twenty hours he or she shall so continue to obstruct the passage of fish as aforesaid, to be recovered by warrant before any justice of

the peace in the county where the offender resides, one-half to the informer, the other half to the use of the poor of the county who may be a county charge.

SEC. 4. *Be it further enacted*, That any violation of this act shall be a misdemeanor, and the person so offending shall be subject to indictment in the county where they reside, in either the county or superior courts, and fined at the discretion of the court.

SEC. 5. *Be it further enacted*, That it shall be the duty of the judge of the superior court and the solicitor of the county court to give this act in charge to the grand jury in all the counties adjoining the rivers aforesaid; all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed. [*Ratified the 7th day of February, 1859.*]

AN ACT TO INCORPORATE "CEDAR FALLS COMPANY," IN THE *Chap. 245.*
COUNTY OF RANDOLPH.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That James Ryle, Jesse Walker, Alfred
Brown, Alfred H. March, George Makepeace and their as-
sociates and successors be and they are hereby created a
body politic and corporate, under the name and style of
"Cedar Falls Company," for the purpose of manufacturing
cotton, wool, and such other articles as they may choose, on
Deep river in the county of Randolph, with privilege to
buy and sell goods, wares and merchandize, in order to en-
able them to conduct their manufacturing operations with
convenience and profit.

SEC. 2. *Be it further enacted*, That the capital stock of Capital stock.
said company shall be twenty thousand dollars in shares of
five hundred dollars each, with power to the stockholders,
a majority of the stockholders concurring, to enlarge the
capital to fifty thousand dollars.

SEC. 3. *Be it further enacted*, That it shall be the duty Record.
of said corporation to keep a full and fair record of their
proceedings in a book or books provided for that purpose,

and to produce the same in any court of record whenever so required by such court.

SEC. 4. *Be it further enacted*, That in case of the failure of said corporation to pay its liabilities, the stockholders shall be liable to the amount of stock owned by each corporator respectively at the time of such failure after the property of said company shall have been exhausted, and not before. [*Ratified the 8th day of January, 1859.*]

Chap. 246. AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF RICHLAND'S ACADEMY.

No tippling
houses.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person to erect, keep, or maintain at "Upper Richland's Chapel," or within two miles of Richland's Academy, in the county of Onslow, any tippling house or houses, or establishment whatever, for the sale of wine, or spirituous liquors, nor shall it be lawful for any person to sell any wine, spirituous of [or] malt liquors within two miles of the said chapel or academy.

Penalty.

SEC. 2. *Be it further enacted*, That any person violating any of the provisions of this act shall be considered guilty of a misdemeanor, and may be prosecuted in any court having cognizance thereof; and, moreover, subject to a penalty of ten dollars, to be recovered on a warrant before a justice of the peace, one-half to the person warranting for the same and the other to the common school fund of the said county: *Provided*, That a majority of the qualified voters for members of the General Assembly, who shall have resided within the above prescribed limits six months next preceding the day of election, shall approve the same.

Duty of sheriff.

SEC. 3. *Be it further enacted*, That it shall be the duty of the sheriff to advertise, for ten days, at three or more places within the said prescribed limits, that polls will be opened at or in the said Richland's Academy on Saturday the 12th day of March, and the sheriff shall appoint two freeholders inspectors of said polls, who shall, after taking the oath pre-

scribed for inspectors to superintend elections, proceed to open said polls within the house prescribed for holding the elections, and all qualified voters approving this act shall deposit with the said inspectors tickets, on which shall be written "approved," and those disapproving this act, tickets on which shall be written "not approved," and if a majority of the votes cast shall be approved, then this act shall take effect and be in force.

SEC. 4. *Be it further enacted*, That the aforesaid inspectors shall make a return under their hands and seals of such election, together with a list of the voters, to the clerk of the county court to be filed in his office within ten days after said election. [*Ratified the — day of February, 1859.*]

AN ACT TO INCORPORATE THE LINCOLN LODGE NO. 137 OF ANCIENT *Chap. 247.*

YORK MASONS, IN THE TOWN OF LINCOLTON, LINCOLN COUNTY,
NORTH-CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate
State of North-Carolina, and it is hereby enacted by the
authority of the same, That Thomas Darling, Master, R. F. Sloan, S. W., and James A. Caldwell, J. W., and all other members, and their successors both in office and members, be and they are hereby declared a body corporate, by the name and style of "Lincoln Lodge No. 137 of Ancient York Masons," and by that name they and their successors shall have power to receive and hold devisees and bequests of any kind, and from any person or persons or bodies corporate capable of making the same, and shall at all times hereafter be capable in law to acquire, have, receive and hold, to them and their successors, property, both real, personal or mixed, to an amount not to exceed twenty thousand dollars, and the same to dispose of and transfer at their pleasure, and in such manner as they may think proper. [*Ratified the 31st day of January, 1859.*]

Chap. 248. AN ACT TO AUTHORIZE AND EMPOWER SOLOMON KLUTTS, ADMINISTRATOR OF CALEB KLUTTS, LATE SHERIFF OF ROWAN COUNTY, TO COLLECT ARREARS OF TAXES DUE SAID SHERIFF DURING HIS TERMS OF OFFICE.

To collect
arrears of taxes

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Solomon Klutts, administrator of Caleb Klutts, and one of the sureties of the said Caleb Klutts on his official bond, be and he is hereby authorized and empowered to collect all arrears of taxes due said sheriff during his terms of office as sheriff aforesaid, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of this State, and he shall be invested with the same power and authority for that purpose which is vested in a sheriff by the laws of the State: *Provided,* That the authority by this act granted shall not extend to persons who have removed from the county, or to executors or administrators, or to any person who will voluntarily swear before any justice of the peace for said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

SEC. 2. *Be it further enacted,* That the power and authority hereby granted shall cease and determine with the year 1859, except as to such legal proceedings as may then be pending by virtue of this act.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification. [*Ratified the 4th day of January, 1859.*]

Chap. 249. AN ACT TO AUTHORIZE THE COUNTY COURT OF CALDWELL COUNTY TO SELL THE UNSOLD LOTS IN THE TOWN OF LENOIR.

To sell lots.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the county court of Caldwell county, a majority of the justices being present, to cause to be sold on such terms as they may

think proper all such lots or fractions of lots, belonging to said town, as have not heretofore been sold, and the proceeds of such sale shall be appropriated, in such manner and to such uses, as a majority of the justices of said county may direct.

SEC. 2. *Be it further enacted*, That all laws coming in conflict with this act be and the same are hereby repealed. [*Ratified the 7th day of February, 1859.*]

AN ACT TO INCORPORATE UNANIMITY LODGE NO. 7, IN THE *Chap. 250.*
TOWN OF EDENTON.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who now are or those who may hereafter become attached to Unanimity Lodge No. 7, of Free and Accepted Masons in the town of Edenton, be and they are hereby constituted and declared to be a body corporate and politic, by the name of "Unanimity Lodge," and by that name shall have perpetual succession. Body politic.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO AUTHORIZE AND EMPOWER SOLOMON KLUTTS, ADMINISTRATOR OF CALEB KLUTTS, LATE SHERIFF OF ROWAN COUNTY, TO COLLECT ARREARS OF TAXES DUE SAID SHERIFF DURING HIS TERM OF OFFICE. *Chap. 251.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Solomon Klutts, administrator of Caleb Klutts, and one of the sureties of the said Caleb Klutts, on his official bond, be and he is hereby authorized and empowered to collect arrears of taxes due said sheriff during his term of office, as sheriff aforesaid, which collection shall be made under the same rules, regulations and To collect taxes.

restrictions as other collections of taxes, by virtue of the laws of this State; and he shall be invested with the same power and authority for that purpose which is vested in sheriffs by the laws of this State: *Provided*, That the authority by this act granted shall not extend to persons who have removed from the county, or to executors or administrators, or to any person who will voluntarily swear, before the justice of the peace for that county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1859, except as to such legal proceedings as may then be pending by virtue of this act.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 252. AN ACT TO EXEMPT MEMBERS OF THE FIRE DEPARTMENT IN THE TOWN OF WASHINGTON FROM JURY DUTY.

Exempt from
jury duty.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all regular members of the Ocean and Neptune companies, constituting the fire department in the town of Washington, shall be exempt from jury duty in the county of Beaufort: *Provided however*, That said exemption shall continue only so long as said companies shall maintain an active and efficient organization, and no longer. [*Ratified the 16th day of February, 1859.*]

Chap. 253. AN ACT TO AUTHORIZE AND EMPOWER THE SURETIES OF E. L. ALLEN, LATE SHERIFF OF THE COUNTY OF POLK, TO COLLECT ARREARAGES OF TAXES.

May collect
taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sureties of E. L. Allen,

who was recently the sheriff of the county of Polk, and who has by process of law been removed from his office, shall have and exercise the power and privilege to collect from all delinquent tax payers, who have not settled their taxes due for the years 1855 and 1856 and 1857 as now appears on the tax books of said county.

SEC. 2. *Be it further enacted*, That it shall be lawful for said snreties or a majority of them, to have full power to use the same means in law and equity for the enforcement of said collections of taxes as the sheriff of said county may do, or as sureties to official bonds may under other circumstances do.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT CONCERNING MAGISTRATES IN THE COUNTIES OF ONSLOW, *Chap. 254.*
HAYWOOD, MOORE, DUPLIN, CALDWELL, MACON AND CARTERET.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act it shall be lawful for twelve magistrates to transact business, and to do all matters and things wherein the law now requires a majority to act, except laying the county taxes and making appropriations: *Provided*, That the chairman of the county courts shall have power to order the sheriff to summon all the magistrates at any time he may deem proper. [*Ratified the 8th day of January, 1859.*]

AN ACT TO APPOINT A SPECIAL MAGISTRATE IN THE TOWN OF *Chap. 255.*
BEAUFORT, CARTERET COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That at the first court of pleas and quarter sessions for the county of Carteret that shall happen after the first day of January, 1859, and on each successive

year thereafter, (or on failure to appoint at that term or any subsequent term a majority of the justices being present,) they may appoint a special magistrate for the town of Beaufort, whose duty it shall be to try all such cases as shall be returned before him cognizable by a single magistrate, and it shall be his duty to set apart a certain day in each week for the trial of all such causes: *Provided*, That nothing herein contained shall prevent him from trying causes on any other day if the parties are agreed.

Fees, &c.

SEC. 2. *Be it further enacted*, That the said court of pleas and quarter sessions (twelve justices being present) shall [have] power to regulate the fees to be received by said special magistrate, not exceeding the following sums, viz: For each warrant by him signed, ten cents; for each subpoena, ten cents; for each judgment, twenty-five cents; each execution, ten cents; each appeal, ten cents; each State warrant, twenty-five cents; certifying affidavit, ten cents; for executing a commission to take depositions, two dollars, and one dollar for each witness, more than one examined by virtue of said commission, and for any other services by him rendered, not above enumerated, such sums as they may deem just and right, and such fees to be taxed in the bill of costs, and collected in the same manner as other costs are in like cases.

SEC. 3. *Be it further enacted*, That said special justice shall retain his office for one year, and until his successor shall be appointed. [*Ratified 16th day of February, 1859.*]

Chap. 256. AN ACT TO INCORPORATE THE HOWARD RELIEF FIRE ENGINE COMPANY, IN THE TOWN OF WILMINGTON.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James H. Mitchel, Michael Murray, J. B. Lanier, Wm. J. Cornwall, Thomas E. Lawrence, Charles A. Mitchel, Wm. Mitchel, Robert Dymott, Joseph Lawton, Philip Matly, William J. Callais, Augustus Lessman, James Littleton, John Milark, Patrick Curran, John McCabe, Thos. H. Smith, Wm. Dunstback, W. J. Simons,

Jeremiah Spellman, Thos. Freshwater, Henry Lemmerman, George H. Baker, John Sheppard, Walter Furlong, Edward Sweeney, Henry A. Mitchel, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Howard Relief Fire Engine Company.

SEC. 2. *Be it further enacted*, That the said corporation may acquire and hold real and personl estate to an amount not exceeding ten thousand dollars.

SEC. 3. *Be it further enacted*, That this act shall be in force from and take effect from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE WILMINGTON HOTEL COMPANY. *Chap. 257.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Dawson, Bennet Flanner, Oscar G. Parsley, Edward Kidder, Joseph H. Flanner, Silas N. Martin, O. S. Baldwin, and such persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be and are hereby created, constituted and declared a body politic and politic, by the name of "the Wilmington Hotel Company," and by that name they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all the courts of this State and of the United States, and may hold, possess, acquire and enjoy real and personal estate. Body politic.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing said capital stock to two hundred thousand dollars, which stock is hereby declared to be personal estate. Capital stock.

SEC. 3. *Be it further enacted*, That said company shall have power and authority to make rules and by-laws for its good government, to provide for the appointment of the Rules, &c.

directors, president and other officers of said company, the mode of transfer and representation of its stock, the penalty and forfeitures to be imposed on delinquent subscribers, the manner and time in which [stock] forfeited may be sold, and the mode of transferring the same, and all other matters and things necessary for the proper management and conduct of said company.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the — day of —, 1859.*]

Chap. 258. AN ACT TO INCORPORATE THE MEDICAL SOCIETY OF THE STATE OF NORTH-CAROLINA, AND FOR THE ESTABLISHMENT OF A MEDICAL BOARD OF EXAMINERS.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the association of regularly graduated doctors calling themselves "The State Medical Society," be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "The Medical Society of the State of North-Carolina," and by that name and style shall have perpetual succession, and a common seal, that they or a majority of them and their successors shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements, and apply the same to the use and for the advancement of the purposes and objects of the said society; that the said medical society, or a majority of them and their successors, shall be able and capable in law of suing and being sued, pleading and being impleaded; that they shall be authorized to make all by-laws, rules and regulations necessary and proper for their own government, and for carrying out the purposes contemplated in this act, and for the promotion of medical science and the elevation of the medical profession in this State, not inconsistent with the constitution and laws of North-Carolina.

Sec. 2. *Be it further enacted*, That from and after the 15th day of April, 1859, no person shall practice medicine or surgery, or any of the branches thereof, or in any case prescribe for the cure of diseases for fee or reward, unless he or they shall have been first licensed so to do in the manner hereinafter described: *Provided*, That no person who shall practice in violation of this act shall be deemed guilty of a misdemeanor.

Who may practice.

Sec. 3. *Be it further enacted*, That in order to the proper regulation of the practice of medicine and surgery in the State of North-Carolina, there shall be established a board of regularly graduated physicians, to be known by the name and title of [*the of*] "The Board of Medical Examiners of the State of North-Carolina."

Board of physicians.

Sec. 4. *Be it further enacted*, That the board of medical examiners of the State of North-Carolina shall consist of seven regular graduated physicians.

To consist of seven.

Sec. 5. *Be it further enacted*, That it shall be the duty of the said board to examine all applicants for license to practice medicine or surgery, or any of the branches thereof, in the State of North-Carolina, on the following branches of medical science, viz: Anatomy, Physiology, Surgery, Pathology, Medical Hygiene, Chemistry, Pharmacy, Materia Medica, Therapeutics, Obstetrics and the Practice of Medicine, and if on such examination he or they be found competent, to grant to such applicant or applicants a license or diploma, authorizing him or them to practice medicine and surgery, or any of the branches thereof, in the State of North-Carolina: *Provided*, That five members of the board shall constitute a quorum and that four of those present shall be agreed as to the qualification of the applicant.

Duty of board.

Sec. 6. *Be it further enacted*, That the said board shall be at liberty to examine for and grant license to practice medicine or surgery, or any of the branches thereof, in this State, [*to or any of the branches thereof in this State*] to any person so applying, [*who shall give any person so applying*] who shall give satisfactory evidence to the board that he is twenty-one years of age, and of good moral character; such applicants if found competent shall have granted to them the license before mentioned, signed by

May grant license.

the board of medical examiners, or a majority thereof, and if found incompetent they shall be rejected.

Temporary license.

SEC. 7. *Be it further enacted*, That to prevent delay and inconvenience, two members of the board of medical examiners may grant a temporary license to applicants therefor, and make report thereof to the next regular meeting of the board for confirmation: *Provided*, That such temporary license shall not continue in force longer than the next regular meeting of the board, and that such temporary license shall in no case be granted after the applicant has been refused a license by the board of medical examiners.

To furnish list.

SEC. 8. *Be it further enacted*, That it shall be the duty of the medical society of the State of North-Carolina, to furnish to the General Assembly of the State of North-Carolina, by their society, [secretary?] a list of members of that society, from which list the General Assembly shall elect seven to constitute the board of medical examiners before mentioned, to continue in office for the term of six years from the date of their election: *Provided*, That whenever any member of this board shall cease to be a member of the medical society of the State of North-Carolina, either by resignation or expulsion, his office of medical examiner shall be thereby vacated.

How selected.

SEC. 9. *Be it further enacted*, That the members of the State Medical Society shall have power to select board of medical examiners, except when the Legislature chooses to exercise this right.

Where and when to assemble.

SEC. 10. *Be it further enacted*, That the board of medical examiners thus appointed shall assemble in the city of Raleigh and Morganton alternately on the first Monday in May in every year, and shall remain in session from day to day until all applicants who may present themselves for examination, within the first ten days after their meeting, shall have been examined and disposed of.

Officers, &c.

SEC. 11. *Be it further enacted*, That the board of medical examiners shall be and they are hereby authorized to elect all such officers, and to frame all such by-laws as may be necessary to carry this law into effect, and in the event of any vacancy by death, resignation or otherwise of any

member of said board, the board or a quorum thereof shall be and they are hereby empowered to fill all vacancies.

SEC. 12. *Be it further enacted*, That the board of ex-aminers shall keep a regular record of its proceedings in a book kept for that purpose, which shall always be open for inspection, and shall cause to be entered on a book kept for this purpose the names of each applicant for license, and the name of each applicant licensed to practice medicine and surgery, and the time of granting the same, together with the names of the members of the board present, and shall publish the names of those licensed in two of the newspapers published in the city of Raleigh within thirty days after the granting of the same. Record.

SEC. 13. *Be it further enacted*, That the said board shall have power to demand of each and every applicant thus licensed the sum of ten dollars before issuing a license or diploma, and the sum of five dollars for each temporary license, to be paid to the secretary of the board. License.

SEC. 14. *Be it further enacted*, That the members of the said board shall receive as a compensation for their services four dollars each per day during the time of their session in the city of Raleigh, and in addition thereto their traveling expenses to and from the city of Raleigh, to be paid by the secretary of the board out of any moneys in his hands upon the certificate of the president of the board of medical examiners. Compensation.

SEC. 15. *Be it further enacted*, That any person who shall practice medicine or surgery in this State without having first applied for and obtained license from the said board of examiners as provided for by this act, shall not be entitled to sue for or recover before any magistrate or court in this State any medical bill for services rendered in the practice of medicine or surgery or any of the branches thereof. Practicing without license

SEC. 16. *Be it further enacted*, That the said board shall have the power to rescind any license granted by them when upon satisfactory proof it shall appear that any physician thus licensed has been guilty of grossly immoral conduct. May rescind license.

SEC. 17. *Be it further enacted*, That the secretary of the board of medical examiners shall give bond with good Secretary.

security to the president of the board for the safe keeping and proper payment of all moneys that may come into his hands under the provisions of this act.

How construed SEC. 18. *Be it further enacted*, That the provisions of this act shall not apply to any person or persons now engaged in the practice of medicine or surgery in this State, but shall be construed as applying to those only who may hereafter propose to commence the practice of the same in the State of North-Carolina.

SEC. 19. *Be it further enacted*, That this act shall be in force on and after the 15th day of April, 1859, and shall be considered a public act. [*Ratified the 17th day of February, 1859.*]

Chap. 259. AN ACT AUTHORIZING AND EMPOWERING THE JUSTICES OF THE COUNTY OF FRANKLIN TO SELL CERTAIN PUBLIC LANDS BELONGING TO SAID COUNTY.

To sell lands. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the justices of the peace in and for the county of Franklin be, and they are hereby fully authorized and empowered to sell such and so much of the public lands belonging to the county aforesaid, as in the judgment of a majority of the justices of the peace shall not be necessary and required for public uses.

To make title. SEC. 2. *Be it further enacted*, That the chairman of the county court, a majority of the justices assenting thereto, shall convey in fee simple the public land thus sold to the purchaser or purchasers.

SEC. 3. *Be it further enacted*, That said public land shall be sold in lots at public auction after such advertisement at the court house door in Louisburg, and upon such terms as to a majority of said justices may seem expedient and proper.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 21st day of January, 1859.*]

AN ACT TO REQUIRE THE SHERIFFS OF ANSON, RICHMOND AND UNION COUNTIES, TO GIVE BOND FOR THE COLLECTION AND SETTLEMENT OF TAXES FOR RAILROAD PURPOSES. *Chap. 260.*

SECTION 1. *The General Assembly of the State of North-Carolina hereby enact, as follows :*

(1) That it shall be the duty of the courts of pleas and quarter sessions of the counties of Anson, Union and Richmond, to require the sheriffs of said counties to enter into bond with approved sureties, in a sum not exceeding twenty thousand dollars, payable to the State of North-Carolina, for the faithful collection and settlement of all taxes which may be imposed by said courts for the payment of interest and principal of any subscription made by said counties, in behalf of said counties to any railroad company, to the stock of which the courts may be authorized by law to subscribe. *Sheriffs to give bond.*

(2) That on failure of the sheriff to collect and account for said taxes with the agents of said courts, appointed by the courts to manage their subscription as aforesaid, said agents may proceed against the sheriffs and their sureties upon the bonds given for the purpose aforesaid, in the same manner as county trustees are empowered to proceed against sheriffs for the non-settlement of the county revenues. *Failure of sheriff.*

(3) That the county agents shall be annually appointed ; shall enter into bonds payable to the State of North-Carolina, in an amount to be settled by the county courts, with good and sufficient sureties for the faithful discharge of their duties, and shall take the oaths of public officers, and also an oath of office ; and the power and duties of county agents, as to the county railroad funds, shall be the same as those of the county trustees in relation to the other county funds ; and the laws relating to the county trustees shall be applicable to the county agents, subject to the foregoing provisions. *County agents.*

(4) Whenever the county courts of Anson, Union and Richmond shall think it proper to levy a tax for the purpose of creating a sinking fund, with which to meet the principal of any debt incurred by reason of a subscription to the capital stock of the Wilmington, Charlotte and Ruth- *Sinking fund.*

erford railroad company, then it shall be the duty of said county courts to cause such sinking fund tax to be separately assessed and collected, and the sheriffs or other collecting officers shall give to every person paying such tax a separate receipt, specifying the particular sinking fund to which it is applicable and the true date of such payment, and all such receipts shall be assignable. And whenever any person shall produce to the county court sinking fund receipt as aforesaid, which together with simple interest computed thereon from their respective dates, shall in the aggregate amount to fifty dollars, the person producing the same shall be entitled to one share of the capital stock of said railroad company belonging to the said counties. And the trustees of the county court being thereto requested, shall upon the occurrence of all and every such case cause one share of the stock of said counties in said railroad company to be transferred to the party producing said receipts, to them or their appointees as they may desire; and said receipts shall be delivered up to be cancelled. [*Ratified the 16th day of February, 1859.*]

Chap. 261. AN ACT TO INCORPORATE THE "MECHANIC'S AND FARMER'S INSTITUTE," LOCATED IN THE TOWN OF ASHEVILLE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Ephraim Clayton, N. W. Woodfin, J. F. E. Hardy, G. W. Shackelford, J. E. Patton, I. B. Sawyer, J. W. Patton, Daniel Reynolds, G. W. Whitson, J. Roberts, P. W. Roberts, Elias Triplet, Torrence Keeman, Sannel Wears, R. N. Price, W. M. Hardy, J. Giddings Hardy, John D. Hyman, E. P. Tucke, Hugh Johnston, Wm. Johnston, James Stradley, A. W. Cummings, Thomas Neill, W. W. McDowell, Marcus Erwin, A. T. Summey, Edwin Clayton, B. H. Merimon, R. B. Vance, E. J. Astin, John Hildebrand, 2nd, T. L. Clayton, B. J. Smith, T. W. Atkins, W. L. Hilliard, W. B. Baird, W. A. Patton, J. A. Patton, W. C. Brown, J. H. Gudger, Samuel Wears, Stephen Lee, A. S. Meriman and such other persons as are or may become

members of the Meehanic's and Farmer's Institute are hereby constituted a body politic and corporate, located in the town of Ashville, and by the name of the "Mechanic's and Farmer's Institute."

SEC. 2. *Be it further enacted*, That the objects of the said institute are to diffuse sound and useful knowledge and information throughout the mechanical and farming classes, to found lectures on natural, mechanical and chemical philosophy and agricultural chemistry, and other scientific and literary subjects; to create a library museum for the benefit of mechanics, farmers and others, to establish schools of sound and useful instruction, and annual fairs. Object of institution.

SEC. 3. *Be it further enacted*, That the said corporation shall have powers to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered in all the courts of this State, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects contemplated by said corporation. Powers, &c.

SEC. 4. *Be it further enacted*, That said corporation shall have further power to establish for its government a constitution and by-laws; to have a common seal, to alter and change the same, to erect a building or buildings in the said town of Ashville for its purposes and accommodation, and to that end to obtain and hold, own and convey a lot or lots of land in said town, not exceeding twenty thousand dollars in value, and such amount of personal property as the said institute may obtain by purchase, donation or otherwise. Constitution, &c.

SEC. 5. *Be it further enacted*, That for the purpose of enabling said corporation more fully to effectuate the purposes contemplated thereby, the said Mechanics and Farmer's Institute is hereby authorized and empowered at any time hereafter when it is deemed best, by a resolution to be entered upon the record of said institute, to create a capital stock of fifty thousand dollars, divided into shares of five dollars each, with the privilege to said institute at any time thereafter of increasing the same to a sum not exceeding one hundred thousand dollars in the aggregate, to be subscribed for under such restrictions, and in such manner, and to be paid in by such instalments, at such times and places, Capital stock.

in such proportions, and subject to such forfeitures for non-payment of instalments, as said institute may think proper to prescribe; said capital stock when subscribed shall be under the control of said institute, through the board of trustees, to be created as hereinafter mentioned, and shall be used to effectuate the purposes mentioned and set forth in the second section of this act.

Board of trustees.

SEC. 6 *Be it further enacted*, That the said institute shall have the right to create a board of trustees, to be elected, hold their office for such time, and have such powers as said institute may direct; but said board when created shall have the management and control of the funds to be raised from said stock, and shall give such security as said institute may require, but said board of trustees shall only have control of the funds to be raised from said capital stock.

SEC. 7. *Be it further enacted*, That the members of the Mechanics and Farmer's Institute shall be competent witnesses in all cases in which said institute may be a party, whether suits shall be between said institute and members thereof or any other persons, and the fact of membership shall only go to the credibility of said witness. [*Ratified the 16th day of February, 1859.*]

Chap. 262. AN ACT TO APPOINT A SPECIAL MAGISTRATE FOR THE COUNTY OF ROWAN.

Special magistrate.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions of Rowan county shall, a majority of the justices being present at May term every year of said court, elect a special magistrate for the county of Rowan, who shall keep a record of his proceedings, and shall keep a permanent office in the town of Salisbury, with regular hours of business, and shall have power to charge and receive the following fees, namely: for every civil warrant, ten cents; for every State's warrant, twenty-five cents; for every judgment, ten cents; for every execution, ten cents; for every affidavit,

ten cents; for taking deposition, two dollars; for executing every commission, and one dollar in addition for every witness more than one examined by virtue of the same commission. [*Ratified the 16th day of February, 1859.*]

AN ACT FOR THE ENCOURAGEMENT OF FAYETTEVILLE INDEPENDENT LIGHT INFANTRY COMPANY. *Chap. 263.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the members of the Fayetteville Light Infantry Company be and the same are hereby exempted from services on the juries of Cumberland county: *Provided,* That this exemption shall extend to and be enjoyed by sixty-six members only, at one court or time: *And provided further,* That if the effective strength of said company shall at any time fall below thirty-seven, rank and file, fit for military service, [*only*] the privileges hereby granted shall cease and be void. Exempt from jury service.

SEC. 2. *Be it further enacted,* That the secretary of said company shall on each 22nd day of May, in every year if required, present the sheriff of said county of Cumberland with a list of the persons entitled to the benefit of the exemption.

SEC. 3. *Be it further enacted,* That this act shall go into effect from and after its ratification. [*Ratified the 15th day of February, 1859.*]

AN ACT TO INCORPORATE THE GREEN MONUMENT ASSOCIATION. *Chap. 264.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a monument to the memory of *General Nathaniel Greene*, on the plains of Guilford, the officers and members who now are or may hereafter be of the Green Monument Association, located in the town of Greensboro', be and the same are hereby incorporated and declared a body politic and cor- Body politic.

porate, by the name and style of the "Green Monument Association;" and by that name shall be able and capable in law to sue and be sued, plead and be impleaded in any court in this State, acquire and transfer property for their own use, and adopt a constitution and all such by-laws, rules and regulations for their government as are not inconsistent with the constitution and laws of the State or of the United States.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 265. AN ACT TO LIMIT THE POWERS OF THE DIFFERENT CONSTABLES IN CHEROKEE AND ROBESON COUNTIES TO THE DISTRICT TO WHICH HE IS ELECTED.

Constables'
districts.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any constable in Cherokee and Robeson counties to execute any warrant for any debt or demand due by note signed, account, book, debt or unsettled account against any person residing in any other district, than the district in which the constable resides and for which said constable is elected to serve: *Provided*, That nothing herein contained, shall be so construed as to prevent any constable for the counties of Cherokee and Robeson, from executing any State warrant against any person offending or incurring any forfeiture in any portion of said counties: *Provided*, That when there is no constable in the district in which the defendant resides, or no proper person to execute the process, any justice of the peace may authorize any constable in said counties to execute said process.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after the first day of July, A. D. eighteen hundred and fifty-nine. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCREASE THE PAY OF WITNESSES IN LENOIR COUNTY. *Chap. 266.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That every witness attending any court that may hereafter be held in Lenoir county, shall be allowed for each day's attendance, and for every thirty miles he may travel, going and returning from court, one dollar. Pay of witnesses.

SEC. 2. *Be it further enacted,* That all previous acts conflicting with this act be and the same are hereby repealed. [*Ratified the 16th day of February, 1859.*]

AN ACT TO ENABLE AND AUTHORIZE THE SURETIES OF JOHN D. ABERNATHY, DEC'D, LATE SHERIFF OF DUPLIN COUNTY, *Chap. 267.*

D. ABERNATHY, DEC'D, LATE SHERIFF OF DUPLIN COUNTY,
TO COLLECT ARREARS OF TAXES IN SAID COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the sureties of John D. Abernathy, late sheriff of the county of Duplin, shall have full power to collect all taxes due on the tax book of said late sheriff since the year A. D. 1856. To collect taxes due.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified — day of —, 1859.*]

AN ACT TO INCORPORATE PLEASANT GROVE CAMP GROUND, IN THE COUNTY OF UNION. *Chap. 268.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Wm. Irby, John Houston, Thos. Winchester, George A. Winchester, John Gordon, Lewis K. Gordon and George D. Wolf, and their successors, be and they are hereby constituted a body politic and corporate by the name of the "Trustees of Pleasant Grove Camp Ground," and by that name shall have perpetual succession, Body politic.

and a common seal, may sue and be sued, acquire and transfer property, and pass all such by-laws, rules and regulations for the good government of said camp ground, as shall not be inconsistent with the constitution and laws of this State and of the United States; and in case of vacancy, by death, resignation or otherwise, the remainder, or a majority of them, or the conference of the Methodist Episcopal Church in that circuit, and according to the discipline and rules of said church, may appoint successors, who shall have the same power and authority as are conferred on the trustees created by this act.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

Chap. 269. AN ACT TO AUTHORIZE THE COURTS OF PLEAS AND QUARTER SESSIONS OF BERTIE COUNTY TO IMPROVE AND COLLECT WHARFAGE FROM ALL STEAMBOATS AND OTHER VESSELS, LANDING OR RECEIVING PASSENGERS, OR PRODUCE, OR MERCHANDIZE, AT THE PUBLIC WHARF ON THE CHOWAN RIVER, NEAR COLERAIN IN SAID COUNTY.

Wharfage.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the court of pleas and quarter sessions of Bertie county, be and they are hereby authorized and empowered to lay and collect wharfage from all steamboats or other vessels, landing or receiving any passengers, merchandize or produce at the public wharf in said county on the Chowan river, at or near Colerain.

Rates.

SEC. 2. *Be it further enacted*, That the said court shall fix the rates of wharfage and may appoint an agent to receive and collect it with such compensations as they shall deem reasonable.

Refusal to pay.

SEC. 3. *Be it further enacted*, That in case of the neglect or refusal of the master or captain of any steamboat or other vessel to pay said wharfage, the same may be recovered by warrant in the name of the chairman of the county court, either against the owner or owners of said steam-

boat, or vessel, or the master or captain, before any justice of the peace having jurisdiction thereof.

SEC. 4. *Be it further enacted*, That the net amount collected under this act shall be applied by the said court to the keeping of said wharf in good repair.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 8th day of January, 1859.*]

AN ACT TO REVIVE AN ACT PASSED AT THE SESSION OF 1848 *Chap. 270.*
AND 1849, ENTITLED "AN ACT TO AUTHORIZE WILLIAM R.
ABBOTT TO CUT A CANAL AND MAKE A ROAD THEREON.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act passed by the General Assembly at its session of 1848'-9, entitled "an act to authorize William R. Abbott to cut a canal and make a road thereon," be and the same is hereby revived to the said William R. Abbott, his heirs and successors, with all the rights heretofore granted in said act.

SEC. 2. *Be it further enacted*, That the fifth section of said act be and the same is hereby so amended as to extend the time in which the said William R. Abbott is required to cut said canal and make said road as therein specified, to the first day of January, one thousand eight hundred and sixty-eight.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of December, 1858.*]

AN ACT TO AUTHORIZE THE SECURITIES OF JOSHUA SIKES, *Chap. 271.*
DECEASED, LATE SHERIFF OF UNION COUNTY, TO COLLECT
ARREARS OF TAXES DUE FOR THE YEARS 1854-'55.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the securities of Joshua Sikes, May collect arrears of taxes.

deceased, late sheriff of Union county, be and they are hereby authorized and empowered to collect all arrears of taxes due said sheriff for the years 1854-'55, upon taxables and polls in said county, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes, by virtue of the laws of the State.

SEC. 2. *Be it further enacted*, That the powers [and] hereby granted shall cease and determine with the year 1859.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 8th day of January, 1859.*]

Chap. 272.

A BILL FOR THE RELIEF OF EMILY HOOPER OF LIBERIA.

May return to
slavery.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Emily Hooper, a negro and a citizen of the republic of Liberia, be and she is hereby permitted voluntarily to return into a state of slavery as the slave of her former owner, Miss Sallie Mallett, of Chapel Hill; and that this act be in force from and after the ratification thereof. [*Ratified the 2nd day of February, 1859.*]

Chap. 273. AN ACT TO AUTHORIZE THE FAYETTEVILLE AND ALBEMARLE PLANKROAD COMPANY TO ESTABLISH A PUBLIC FERRY ON THE PEEDEE, IN THE COUNTIES OF MONTGOMERY AND STANLY.

Ferry.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Fayetteville and Albemarle Plankroad Company be and they are hereby authorized and empowered to establish and keep up a public ferry on the Peedee river, where the said road crosses the said river, and to ask, demand and receive the following tolls, to wit: for every two horse vehicle, twenty-five cents; for every one horse vehicle, twenty cents; for every four horse

vehicle, fifty cents; for man and horse ten cents; for every person on foot, five cents; for every loose horse or mule, five cents; for every head of hogs, cattle and sheep, two cents.

SEC. 2. *Be it further enacted*, That the said company shall be liable to indictment in the superior courts of Montgomery or Stanly counties for not keeping said ferry in good repair, and shall moreover [*and*] be responsible for such damages as persons may sustain, resulting from said neglect. Liable to indictment.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

AN ACT TO REGULATE THE RETAILING OF SPIRITUOUS LIQUORS *Chap. 274.*
IN THE COUNTIES OF BUNCOMBE AND HENDERSON.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sixth section of the seventy-ninth chapter of the Revised Code in its application to the counties of Buncombe and Henderson, shall be restricted and modified as follows, that is to say: There shall be an election held on the '2d Thursday of June next, and in each and every year thereafter on the same day at the school house of each of the school districts of said counties, for the purposes of determining whether licences shall be granted to any person or persons to retail spirituous liquors within such districts. Restrictions, &c.

SEC. 2. *Be it further enacted*, That at the time and place aforesaid, every person qualified to vote in the general State elections shall be entitled to vote upon said question, which said voting shall be in manner and form as follows: Each voter shall deliver to the judges appointed to hold said elections a scroll of paper, upon which shall be inscribed the words "license" or "no license;" every which scroll shall be received by the judges of said election and put into a box prepared for that purpose, in the manner and under the regulations prescribed for voting in the general State Who may vote.

elections, the said judges causing each voter's name to be recorded as he shall deliver in his vote; and when all the qualified voters present shall have delivered their votes, the said judges shall proceed to examine and count the whole number of votes delivered, and the judges under their hands and seals, shall certify to the next county court of said counties whether a majority of said votes were given for "license" or "no license."

Licenses.

SEC. 3. *Be it further enacted*, That when it shall be certified by the judges aforesaid to the said courts that a majority of the votes thus cast were inscribed "no license," it shall not be lawful for the magistrates of the said counties to grant to any person or persons license to retail spirituous liquors within any district in said counties thus voting no license, and any magistrate or magistrates voting in the said courts to grant such license within such districts shall be liable to be indicted for a misdemeanor in office, and any person who may retail spirituous liquors within such district having voted no license within one year after such certificate has been returned as aforesaid, whether with or without license, shall be subject to be indicted and fined and imprisoned at the discretion of the court.

Judges of elections.

SEC. 4. *Be it further enacted*, That at the court of pleas and quarter sessions, which shall be held for the said counties on the 2d Monday after the 4th Monday in March next, and at the same court in each an every year thereafter, the justices of said courts shall appoint three competent persons as judges, who shall hold such elections in each and every school district in said counties and make returns to said county courts as above provided for, and any person so appointed as a judge who shall fail or refuse to discharge such duty or who shall act partially or corruptly in the discharge of the same, shall be subject to be indicted for a misdemeanor and be fined or imprisoned at the discretion of the court.

Duty of clerks.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerks of the county courts, within ten days after the adjournment of said courts to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointments, which said notices shall be

delivered instanter to the sheriffs of said counties, and by them forthwith served upon the respective persons to whom they are addressed, and such sheriffs for each and every failure to serve such notice, within fifteen days after the same shall have been delivered to them, shall be subject to indictment, fine or imprisonment: *Provided*, That in any district or districts where a majority of the votes cast shall be inscribed "license." This act shall not in anywise apply for and during the year next ensuing such election. [*Ratified the 16th day of February, 1859.*]

AN ACT TO INCORPORATE THE KITTRELL MINERAL SPRINGS, IN *Chap. 275.*
THE COUNTY OF GRANVILLE AND THE STATE OF NORTH-CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North-Carolina, and it is hereby enacted by the authority of the same, That Albert B. and Nicholas L. Stith, and other persons who may unite to purchase the Kittrell mineral springs, in the county of Granville, and shall purchase the same with the intent to avail themselves of the the provisions of this act, shall and may become a body corporate and politic, under the name of "The Kittrell Mineral Springs Company," and as such shall have continual succession, sue and be sued, contract and be contracted with, and may have and use a common seal. The corporation may acquire and hold lands and other property, not exceeding the value of one hundred thousand dollars, with power to sell and lease any of its lands, to improve the same by building and farming, to enter into contracts of insurance against fire, to erect and conduct corn, wheat and saw mills, and other mills for the manufacture of wool and cotton fabrics, and to deal in the prodnets thereof, to deal in the transportation and sale of mineral water, and to manufacture glass and other vessels for holding the same, and to provide for the accommodation of visitors and others, and demand and receive compensation therefor. The corporation shall be deemed to be constituted so soon as the said persons shall assemble in general meeting, and

organize by causing the said springs and the lands purchased by them therewith to be conveyed to the corporation, fixing its capital, dividing it in shares, ordaining by-laws, so the same be not inconsistent with the laws and constitution of the State, and the appointment of a president and four directors.

Meetings. SEC. 2. *Be it further enacted*, That to constitute said meetings of the corporation, there must be those present who can give a majority of all the votes entitled to be given.

Capital stock. SEC. 3. *Be it further enacted*, That the capital stock of said company shall not be less than forty thousand dollars, nor more than one hundred thousand dollars, to be raised by subscription in shares of ten dollars each.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 17th day of February, 1859.*]

Chap. 276. AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS IN THE TOWN OF ASHEVILLE.

Alteration. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sixth section of the seventy-ninth chapter of the Revised Code, in its application to the corporation of the town of Asheville, in the county of Buncombe, shall be altered, amended and modified as follows, that is to say: There shall be an election held at the court house, in the town of Asheville, on the first Thursday in June next, and on the same day in each and every year thereafter, for the purpose of determining whether spirituous liquors shall be sold by the wholesale or retail within the corporate limits of said town.

Who may vote. SEC. 2. *Be it further enacted*, That at the elections aforesaid, in each and every year so held at the court house aforesaid, every person qualified to vote in the general State elections residing within the limits of said corporation shall be entitled to vote upon said question, which said voting shall be in manner and form as follows: Each voter shall

deliver to the judges appointed to hold said elections a scroll of paper, upon which shall be inscribed the words "license" or "no license;" every which scroll shall be received by the judges of said election and put into a box prepared for that purpose, in the manner and under the regulations prescribed for voting in the election of members to the State legislature; the said judges causing each voter's name to be recorded by the clerks appointed for that purpose as he shall deliver in his vote, and when all the qualified voters present shall have delivered their votes the said judges shall proceed to examine and count the whole number of votes polled, and the judges, under their hands and seals, shall certify to the next county [court] of pleas and quarter sessions of said county whether a majority of the said votes were given for license or no license.

SEC. 3. *Be it further enacted*, That when it shall be certified by the judges aforesaid to the said court that a majority of the votes thus cast were inscribed "no license," it shall not be lawful for the magistrates of said county to grant to any person or persons a license to retail spirituous liquors within the limits aforesaid, and any magistrate or magistrates voting in the said court to grant such license within the limits of said corporation shall be liable to be indicted for a misdemeanor in office, nor shall it be lawful for any person or persons to sell under any pretence or pretences whatsoever within the limits of said corporation, either with or without a license, spirituous liquors in any quantity, either by the wholesale or retail, except for medicinal purposes, within one year after such certificate has been returned as aforesaid, and if any person or persons shall knowingly violate the provisions of this section, such person shall be subject to be indicted and fined and imprisoned at the discretion of the court. License².

SEC. 4. *Be it further enacted*, That at the court of pleas and quarter sessions, which shall be held for the said county on the second Monday after the fourth Monday in March next, at the court house in the town of Asheville, and at the same court in each and every year thereafter, the justices of said court shall appoint three competent persons as judges, residents of said town of Asheville, who shall hold Judges of election.

said election at the court house aforesaid at the time hereinbefore specified, and make return to said county court as above provided for, and any person so appointed as a judge who shall fail or refuse to discharge such duty, or who shall act partially or corruptly in the discharge of the same, shall be subject to be indicted for a misdemeanor, and be fined or imprisoned at the discretion of the court.

Duty of clerk.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerk of the county court within five days after the adjournment of said court to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointments, which shall be delivered instanter to the sheriff of said county, and by him forthwith served upon the respective persons to whom they are addressed, and such sheriff, for each and every failure to serve such notices, or make due returns thereon within ten days after the same have been delivered to him, shall be subject to indictment, fine or imprisonment: *Provided*, That when a majority of the votes cast at said election shall be inscribed "license," this act shall not in any wise apply for and during the year next ensuing such election.

SEC. 6. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 16th day of February, 1859.*]

Chap. 277. AN ACT TO OPEN THE CATAWBA RIVER FOR THE FREE PASSAGE OF FISH.

30 feet to be left open.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any person shall make or erect any dam, wire hedge, or other obstruction in the Catawba river, at any point between the South-Carolina line and the old fort in McDowell county, they shall leave at least thirty feet of the channel of said river open for the free passage of fish up the same.

SEC. 2. *Be it further enacted*, That if any person or persons shall have erected a dam, or continue any obstruction in the Catawba river, from the South-Carolina line to the old fort in McDowell county, he shall remove the same so as to leave at least thirty feet from any obstruction whatever for the free passage of fish.

SEC. 3. *Be it further enacted*, That any violation of this act shall be a misdemeanor, and any person concerned therein, who shall violate this act, shall be liable to indictment, and in addition thereto shall forfeit and pay the sum of fifteen dollars, for each and every day the dam or obstruction in violation of this act is continued or fails to be removed by the owner or obstructor of the same, to any person bringing suit by warrant before any justice of the peace, in any county in which the person or persons violating this act resides, one-half to be paid to the party suing for the same, and the other to be paid into the common school fund. Penalty.

SEC. 4. *Be it further enacted*, That all laws coming within the purview and meaning of this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after the first day of March, one thousand eight hundred and fifty-nine. [*Ratified the 17th day of February, 1859.*]

AN ACT TO INCORPORATE THE INDEPENDENT ORDER OF ODD Chap. 278.
FELLOWS NO. 58 AT NORMAL COLLEGE, IN THE COUNTY OF
RANDOLPH.

SECTION 1. *Be it enacted by the General Assembly of* Body politic.
the State of North-Carolina, and it is hereby enacted by
the authority of the same, That C. Tomlinson, Thomas L.
Winslow, N. Hunt, Jr., John S. Brown, Joseph Hiatt, Peter
Thurton and their associates, who are members of Uharrie
Lodge No 58 at Normal College, in the county of Randolph,
of the Independent Order of Odd Fellows, be and they are
hereby incorporated into a body politic and corporate,
under the name and style of Uharrie Lodge No. 58 of

Independent Order of Odd Fellows, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws, &c.

SEC. 2. *Be it further enacted*, That said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or of the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after the ratification thereof. [Ratified the 16th day of February, 1859.]

Chap. 279. AN ACT TO PROVIDE FOR THE APPOINTMENT OF TAX COLLECTORS FOR THE COUNTIES OF ROBESON, BLADEN AND CRAVEN.

Election of tax collector.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county court of the county of Robeson, at the term next preceding the 1st Thursday in August, A. D. 1859, to authorize and provide for holding an election for tax collectors for said county on the 1st Thursday in August next, and at the same time in each alternate year thereafter, under the same rules and regulations as now provided by law for holding elections for sheriff, and no person shall be eligible as tax collector who is not eligible to the office of sheriff.

In case of a tie.

SEC. 2. *Be it further enacted*, That the person having the greatest number of votes shall be declared elected by the county court at its term held next after election, and if two or more persons having the greatest number of votes shall have an equal number, the county court, a majority of the justices being present, shall choose from them the person to act as tax collector; such shall decide in all contested elections; and all vacancies in said office of tax collector

shall be filled in the same manner as vacancies are now filled in the office of sheriff.

SEC. 3. *Be it further enacted*, That said election for tax collector shall be held under the same rules and regulations as now provided for holding elections; returns shall be made in similar manner, and clerks and inspectors shall be liable to same penalties as now imposed for neglect of duty in regard to sheriffs' elections. Rules, &c.

SEC. 4. *Be it further enacted*, That it shall be the duty of said tax collector to collect all the State and county taxes of his county, and pay over the same, under the same penalties as the sheriff is now required to do; and before entering upon his duties shall take an oath, and enter into two bonds, with two or more good sureties, in a sum not less than ten thousand dollars for each bond, payable to the State of North-Carolina, conditioned for the collection, payment and settlement of the county and poor taxes, as required by law, said bonds to be executed as sheriffs' are required. Duty of tax collector.

SEC. 5. *Be it further enacted*, That said tax collector shall perform all the duties and be liable to all the penalties imposed upon sheriffs by the present revenue law and any other law that may be passed by any future legislation. Duty of clerk.

SEC. 6. *Be it further enacted*, That it shall be the duty of the clerk of the county court to make out and deliver to said tax collector the tax list, within the time and under the same rules and regulations, and subject to the same fines and penalties as they are now required to do to the sheriff.

SEC. 7. *Be it further enacted*, That the tax collector shall be required to collect and pay over all said taxes in his said county, within the same time and subject to the same penalties as now prescribed by law regulating the same duties when performed by the sheriff, and be allowed the same compensation.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be and the same are hereby repealed, so far as they relate to the county of Robeson.

SEC. 9. *Be it further enacted*, That all the clauses and provisions of this act be extended to and include the county of Bladen. [*Ratified the 16th day of February, 1859.*]

Chap. 280. AN ACT TO INCORPORATE THE ARENDELL HOTEL COMPANY AT THE CITY OF MOREHEAD.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a company be and the same is hereby incorporated by the name of the "Arendell Hotel Company," with a capital of two hundred thousand dollars, divided into shares of one hundred dollars each, for the purpose of erecting and establishing a first class hotel at Shepard's Point, in the city of Morehead and county of Carteret.

To open books.

SEC. 2. *Be it further enacted*, That Michael F. Arendell, G. W. Dills, Bridgers Arendell, Isaac Ramsey, J. M. Morehead and Peter G. Evans, be and they are hereby authorized and empowered to open books for the subscription of stock to said company, at such times and places as they or any two of them may choose, and that they or any two of them may appoint other persons to open said books at other times and places that they may designate, and when the sum of thirty thousand dollars shall be thus subscribed, the subscribers to said stock, their successors and assigns shall be, and they are hereby created and made a corporation and body politic in law and in fact, by the name and style of the "Arendell Hotel Company," and shall so continue in perpetuity; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves, their successors and assigns, lands, rents, tene-ments, goods, chattels and effects, to an amount not exceeding in the whole the sum of three hundred thousand dollars, and the same to sell, grant, devise, alien, lease or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatsoever; and also to make

and have a common seal, and the same to use, break, or alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of this State or of the United States; which by-laws shall be made and established by the stockholders in general meeting assembled, and generally to do and execute all acts, matters and things which a body politic or corporate in law may or can lawfully do or execute, subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

SEC. 3. *Be it further enacted*, That as soon as thirty thousand dollars or more be subscribed, the persons above named shall call a meeting of the subscribers, at such time and place as they may designate by advertising the same in some newspaper in the State, at which meeting the subscribers shall duly organize said company by electing a president and two directors for the term of one year, and until their successors be appointed; every stockholder shall be entitled to one vote for each share of his or her stock in voting or elections; that the president and directors shall be stockholders and citizens of this State; that said president and directors shall keep a record of their proceedings, which shall be evidence in all cases of such proceedings; that they shall order and appoint the amount to be paid, the time and place of payment of the stock so subscribed; they shall appoint a treasurer and such other officers as they may deem necessary, and require from their appointees all such bonds, qualifications and sureties as they may deem necessary, and shall from time to time make such dividends of profit as the income of the corporation may justify.

SEC. 4. *Be it further enacted*, That said corporation shall be hereby invested with all the rights, powers, privileges and immunities with which corporations are or may be invested by virtue of the twenty-sixth chapter of the Revised Code of North-Carolina under the head of Corporations; and that this act shall be in force from and after its ratification. [*Ratified the 18th day of December, 1858.*]

Chap. 281. AN ACT TO GRANT TO A COMPANY THE LANDS COVERED BY THE WATERS OF HUNTER'S CREEK LAKE, IN THE COUNTIES OF CRAVEN, CARTERET AND JONES, WITH POWER AND AUTHORITY TO DRAIN THE SAME.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Christopher D. Foy, Richard Oldfield, Franklin Foy and J. J. Hines, and such others as may associate themselves with the above named persons, be and they are hereby declared a body politic and corporate, by the name and style of the "Hunter's Creek Lake Company," with full powers to sue and be sued, plead and be impleaded in any court of record in this State, and the said company be and they are hereby authorized to drain said lake: *Provided,* Said company do the same at their own expense.

Survey.

SEC. 2. *Be it further enacted,* That the said company shall at their own expense cause a full and accurate survey and plot of the above mentioned Lake, situated in the counties of Carteret, Craven and Jones, indifferently known as the Hunter's Creek Lake, Northwest Lake or Great Lake, which survey and plot, when certified by the surveyor or to the governor of the State, the governor shall be required to issue a grant for the said lake and the land covered by its waters, to the said Hunter's Creek Lake Company, their successors and assigns.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 2nd day of February, 1859.*]

Chap. 282. AN ACT TO INCORPORATE THE "EDENTON LITERARY ASSOCIATION," IN THE TOWN OF EDENTON.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Thomas S. Haskins, F. L. Roberts, F. W. Hilliard, their associates and successors in the town of Edenton, are hereby constituted and declared to be a

body politie and corporate under the name and style of the
 “Edenton Literary Association.”

SEC. 2. *Be it further enacted*, That this act shall be in
 force from and after its ratification. [*Ratified the — day of*
February, 1859.]

AN ACT TO INCORPORATE “POLLOCKSVILLE LODGE, NO. 175, OF *Chap. 283.*
 FREE AND ACCEPTED MASONS,” IN THE TOWN OF POLLOCKSVILLE,
 COUNTY OF JONES.

SECTION 1. *Be it enacted by the General Assembly of the* Body politie.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That the officers and members, who
 are at present, or in future may be, of Pollocksville Lodge,
 No. 175, of Free and Accepted Masons, in the town of
 Pollocksville, county of Jones, be and they are hereby in-
 corporated into a body politie and corporate under the name
 and style of “Pollocksville Lodge, No. 175, of Free and
 Accepted Masons,” and by that name may have succession
 and a common seal, sue and be sued, plead and be implead-
 ed in any court of record, or before any justice of the peace
 in this State, contract and be contracted with, acquire, hold
 and dispose of personal property for the benefit of said
 Lodge, and also such real estate as may be required for the
 convenient transaction of its business.

SEC. 2. *Be it further enacted*, That the said corporation By-laws, &c.
 shall have power to pass all necessary by-laws and regula-
 tions for its own government, which may not be inconsistent
 with the constitution and laws of this State, or of the United
 States.

SEC. 3. *Be it further enacted*, That this act shall be in
 force and take effect from and after the ratification thereof.
 [*Ratified the — day of February, 1859.*]

AN ACT TO INCORPORATE THE NORTH-CAROLINA MILITARY INSTITUTE. *Chap. 284.*

SECTION 1. *Be it enacted by the General Assembly of the* Body politie.
State of North-Carolina, and it is hereby enacted by the au-

thority of the same, That Charles J. Fox, James H. Carson, H. Laff. Alexander, T. H. Brim, James P. Invire, S. M. Blair, David Parks, James H. Davis, Moses Heart, John A. Young, J. M. Davidson, J. H. Wayte, and the commissioners of the town of Charlotte, and their associates, successors and assigns, be and they are hereby created and constituted a body corporate and politic under the name and style of "The North-Carolina Military Institute."

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be seventy-five thousand dollars, in shares of fifty dollars each; and the said corporation shall have power to increase their capital stock to three hundred thousand dollars; and the stock of said company shall be paid in at such times and places, and under such rules and regulations as the corporation may adopt or direct; and the said corporators shall be permitted to organize under this charter whenever twenty-five thousand dollars shall have been subscribed.

Object.

SEC. 3. *Be it further enacted*, That the object of said corporation shall be to establish in the town of Charlotte, North-Carolina, or its vicinity, a literary, scientific and military institute of high grade and character, and shall not engage in any species of business or manufacture inconsistent with said object; and those whom the said corporation may authorize for that purpose, shall have power to confer the degree of bachelor of science, and other degrees usually conferred by institutions of a similar character.

SEC. 4. *Be it further enacted*, That the said corporation shall be capable in law to receive, buy and hold real, personal and mixed property, and to bargain, sell and convey the same; one hundred thousand dollars of the capital stock together with real estate to the amount of one hundred acres of land shall be exempt from taxation.

SEC. 5. *Be it further enacted*, That this act shall continue in force for ninety years from and after its ratification. [Ratified the — day of —, 1859.]

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A COMMON *Chap. 285.*
ENCLOSURE AROUND THE LANDS OF CERTAIN PERSONS IN
THE COUNTY OF PERSON.

SECTION 1. *Be it enacted by the General Assembly of the* Fence.
State of North-Carolina, and it is hereby enacted by the au-
thority of the same, That the owners and occupants of
lands in the county of Person, included in the following
boundary lines, to wit: Beginning at the State line near
Bailey's bridge, at a stone corner and running south along
the public road to Woodsdale; thence along the public
road by Jordan's mill, McGehees mill and Ephison's church;
and thence east along the State line to the beginning; need
not keep up any fences on the boundary lines running
through or across said lawful fence: *Provided,* That it shall
be the duty of the owners and occupants of the lands bor-
dering on the boundary of the said district, and within it to
keep up a lawful fence all along the said boundary line
around said district.

SEC. 2. *Be it further enacted,* That it shall be the duty
of each owner or occupant of land within said district and
adjoining its outer boundary, to keep up a lawful fence as
far as his land extends along said boundary line.

SEC. 3. *Be it further enacted,* That within three months Fence to be
from the acceptance of this act by a majority of the owners built.
and occupants of the lands within the boundary lines afore-
said, the fence along said lines shall be erected and every
owner or occupant of land within said boundary and ad-
joining it, and who shall fail to erect or cause to be erected,
by the time herein specified, a lawful fence along said line
as far as his or her land extends, shall be liable to the usual
penalties for having unlawful fences, and a further penalty
of fifty dollars, to be recovered on warrant by any owner
of land in said district.

SEC. 4. *Be it further enacted,* That in addition to the
usual liabilities for unlawful fences, any person bound to
keep up part of the boundary fence above specified, and
failing to do so after its erection, shall be liable to a penalty
of ten dollars, to be recovered on warrant by any person
owning land in said district.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1859.*]

Chap. 286. AN ACT TO INCORPORATE "CARTHAGE LODGE, NO. 181, ANCIENT YORK MASONS."

Body politic. SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That A. H. McNeill, W. M., George S. Cole, S. W., T. W. Ritter, J. W., J. H. Caddell, T., A. M. Branson, S, S. C. Barrett, S. D., J. A. Jackson, J. D., and their successors in office, be and they are hereby constituted a body politic and corporate under the name and style of "Carthage Lodge."

Rights, &c. SEC. 2. *Be it further enacted*, That the said "Carthage Lodge" shall be entitled to all the rights, privileges and immunities, and subject to all the restrictions contained in chapter 26 of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of —, 1859.*]

RESOLUTIONS

OF A PRIVATE NATURE, PASSED BY THE

GENERAL ASSEMBLY

OF

NORTH-CAROLINA.

1858-'59.

RESOLUTION IN FAVOR OF THE DOORKEEPERS.

Resolved, That the public treasurer be and he is hereby \$50 ex'ra. authorized to pay to the principal and assistant doorkeepers of both branches of the present General Assembly fifty dollars each, as extra compensation as doorkeepers aforesaid. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF TRUSTEES OF POLK COUNTY.

Resolved, That the State treasurer be instructed to pay Refunds \$62.10 over to the trustee of Polk county, Jas. Carpenter, sixty-two dollars and ten cents., an amount over paid by E. L. Allen, late sheriff of Polk county, in his settlement of taxes for said county. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF COL. ALEX. WATSON, OF ROBESON COUNTY.

Resolved, That the public treasurer pay back to Col. Alex. Refunds \$10. Watson, of Robeson county, ten dollars, being the amount collected by the sheriff of Robeson for tavern taxes for 1855, the said tax being wrongfully paid by him. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF C. W. WOOLEY.

Refunds \$9.60.

Resolved, That the public treasurer be authorized and directed to pay to Calvin W. Wooley, former sheriff of Montgomery county, the sum of nine $\frac{60}{100}$ dollars, being money improperly paid by him on dividends and profits for the year 1851. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF SHEPHERD D. MERCER.

Refunds \$30.50

Resolved, That the public treasurer pay to Shepherd D. Mercer, administrator on the estate of Samuel Staples, former sheriff of Camden county, the sum of thirty dollars and fifty cents., being the amount over paid by said sheriff in his settlement of the public account with the comptroller in the year 1857. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF W. L. POMEROY.

\$25 for maps.

Resolved, That the public treasurer pay to W. L. Pomeroy twenty five dollars for maps of the United States, purchased by order of the General Assembly at the session of 1856. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF NORWOOD, PARKER & CO.

Refunds \$23.

Resolved, That the public treasurer pay to Norwood, Parker & Co., of Warren, twenty-three dollars, (\$23,) amount of tax overpaid in the year 1858. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF E. D. DAVIS.

To collect
arrears.

Resolved, That E. D. Davis, sheriff of Jackson county, be authorized to collect the arrears of taxes due him for

the year 1855-'56: *Provided*, Nothing herein contained shall be construed to extend to executors, administrators, or any person who will voluntarily swear that they have paid the same. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF MRS. MARTHA SPEARS, OF HARNETT COUNTY.

Resolved, That the public treasurer pay to Mrs. Martha Spears, of Harnett county, the sum of one hundred dollars per annum during the term of her natural life. [*Ratified the 16th day of February, 1859.*] \$100 per annum.

A RESOLUTION IN FAVOR OF ESLEY STALEY, SHERIFF OF WILKES COUNTY.

Resolved, That the public treasurer pay to Esley Staley, sheriff of Wilkes county, fifty dollars and eighty-two cents, out of any moneys not otherwise appropriated, it being the amount overpaid by him as taxes for the years 1852-'53. [*Ratified the 16th day of February, 1859.*] Refunds \$50.82

RESOLUTION IN FAVOR OF W. J. BROWN.

Resolved, That the public treasurer be authorized to pay to W. J. Brown, the sum of four dollars and sixteen cents, for excess of taxes paid by him for the year 1857. [*Ratified the 16th day of February, 1859.*] Refunds \$4.16.

RESOLUTION IN FAVOR OF POLLY PINNER.

Resolved, That the public treasurer be authorized and instructed to pay to Polly Pinner the sum of seven dollars and twenty-six cents for excess of taxes paid by her for the year 1857. [*Ratified the 16th day of February, 1859.*] Refunds \$7.26.

A RESOLUTION IN FAVOR OF JOSHUA R. HALL.

To issue grant. *Resolved*, That the secretary of State be and he is hereby authorized to issue a grant to Joshua R. Hall, of Cherokee county, for a lot of land in said county, in district No. 4, track No. 38, containing 206 acres, upon his producing the receipt of the agent for the collection of Cherokee bonds, showing that a total payment has been made in full for said land. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF JAMES CONOLY.

Refunds \$10. *Resolved*, That the public treasurer be authorized to pay to James Conoly ten dollars, he having paid the same as tavern tax to the sheriff of Robeson county for 1855. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF JAMES F. JENKINS.

Refunds \$24. *Resolved*, That the treasurer pay to James F. Jenkins, sheriff of Edgecombe county, twenty-four dollars, which was overpaid by him in his last settlement of public taxes. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF JOSEPH N. LONG, OF ASHE COUNTY.

Refunds \$40. *Resolved*, That the treasurer pay to Joseph N. Long, of Ashe county, the sum of forty dollars, it being an excess of taxes paid by him in the year 1857. [*Ratified the 16th day of February, 1859.*]

A RESOLUTION IN FAVOR OF CALVIN EVANS, OF PITT COUNTY.

Refunds \$18.80 *Resolved*, That the treasurer pay to Calvin Evans, of Pitt county, administrator of Cornelius Patrick, late of said county, deceased, the sum of eighteen dollars and eighty

cents, it being the amount of tax overpaid by said Evans for said estate in consequence of a mistake of the magistrate in listing the taxable interest accruing to said estate for the year 1857. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF THE CLERKS.

Resolved, That the public treasurer be and he is hereby Extra pay. authorized to pay to the principal clerk of the House and the principal clerk of the Senate one hundred and fifty dollars extra of what is now allowed by law for copying and preparing for the press the journals, and that they be allowed sixty days for the completion of the same.

Resolved, That the public treasurer be and he is hereby authorized to pay to the assistant clerk of the Senate fifty dollars, and to the assistant clerk of the House one hundred dollars extra for their services. [*Ratified the 17th day of February, 1859.*]

RESOLUTION TO PAY THE LEGAL REPRESENTATIVES OF HENRY POWELL, DEC'D, THE AMOUNT DUE HIM AS TEACHER IN SCHOOL DISTRICT, IN DAVIE COUNTY.

Resolved, That the chairman of the board of superintendents of common schools, for the county of Davie, be requested and it is hereby made his duty to pay from the funds, the amount due to the legal representatives of Henry Powell, dec'd, for the term he served as school teacher, according to the agreement made with the committee of said school district. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF W. H. & R. S. TUCKER.

Resolved, That the public treasurer pay W. H. & R. S. To pay \$50.88. Tucker fifty-three dollars and eighty cents, for stationery furnished the General Assembly. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF LETTY M. BRAY.

To pay \$40.

Resolved, That the public treasurer pay Letty M. Bray forty dollars, on the presentation to him of her pension certificate, properly setting forth her distresses, signed by the chairman of the county court of Surry, and countersigned by the speakers of both branches of this General Assembly, in accordance with the provisions of law made and provided for the relief of such widows of deceased soldiers in this State. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF WILLIAM GREEN, SHERIFF OF HAYWOOD COUNTY.

Released.

Resolved, That the judgment rendered at the last superior court of Wake county against William Green, sheriff of Haywood county, for failing to settle for the public taxes for the last year with the comptroller be released upon the condition that he make a full and fair settlement with the comptroller on or before the first of March next, and pay the amount due to the public treasurer when said settlement shall be made, and upon the further condition that the said William [Green] pay all the cost incurred in taking said judgment and issuing execution thereon. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF DRURY KING.

To pay \$12.

Resolved, That the public treasurer pay Drury King twelve dollars as a compensation for four days service as assistant doorkeeper to the House of Commons at the present session, and that he be allowed the same in the settlement of his accounts. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF WM. THOMPSON.

Resolved, That the treasurer pay to Wm. Thompson, of Raleigh, the sum of seventeen dollars and fifty cents for badges of mourning furnished members of General Assembly upon the death of Dr. L. A. Jeffreys, member elect from the county of Franklin in 1856 and 1857. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF JACOB B. EVANS, OF CHEROKEE COUNTY.

Resolved, That the agent for the collection of Cherokee bonds be and he is hereby authorized to pay to Jacob B. Evans, of Cherokee county, twenty dollars in Cherokee bonds, not otherwise appropriated, it being an amount paid to said agent by error for a tract of land in Cherokee county. To pay \$20.

Be it further resolved, That the agent of the State for the collection of Cherokee bonds be and is hereby authorized to pay to Edmund McNabb, of Cherokee county, the sum of sixty dollars in Cherokee bonds, not otherwise appropriated, it being the amount overpaid by him for an entry of land in said county. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF HENRY D. TURNER.

Resolved, That the public treasurer pay to Henry D. Turner eighty-six dollars and fifty-five cents, for stationery furnished the General Assembly. To pay \$86.55. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF HENRY J. BROWN.

Resolved, That the public treasurer be authorized to pay Henry J. Brown, of Raleigh, eighteen dollars, for six chairs purchased of him by the principal clerk of the House, for To pay \$18.

the use of the clerk's office and the newspaper reporters.
[Ratified the 16th day of February, 1859.]

RESOLUTION IN FAVOR OF GEORGE R. SLEDGE.

Refunds \$75.20 *Resolved*, That the public treasurer be authorized and required, out of any money in the treasury not otherwise appropriated, to pay George R. Sledge, deputy sheriff of Warren county, seventy-five dollars and twenty cents, the same being the amount overpaid by him in his payment of the State tax for the year 1857. *[Ratified the 16th day of February, 1859.]*

RESOLUTION IN FAVOR OF JOHN WORD, OF CASWELL.

Refunds \$26.32 *Resolved*, That the treasurer of the State be and he is hereby directed to pay to John Word, of Caswell, the sum of twenty-six dollars and thirty-two cents, it being an excess of tax on income paid by him through mistake in 1857. *[Ratified the 16th day of February, 1859.]*

RESOLUTION IN FAVOR OF JOHN CALDWELL'S EXECUTOR.

Refunds \$51.73 *Resolved*, That the public treasurer be and he is hereby authorized and directed to pay to Tod R. Caldwell, Ex'r of John Caldwell, dec'd, the sum of fifty-one $\frac{73}{100}$ dollars, it being an excess of tax paid by him into the public treasury for the year 1856. *[Ratified the 2d day of February, 1859.]*

RESOLUTION IN FAVOR OF DONALD FRAZER.

Refunds \$15. *Resolved*, That the public treasurer be and he is hereby authorized and requested to pay Donald Frazer, of Burke county, the sum of fifteen dollars, it being an excess of store tax paid by him into the State treasury for the year ending 1st of July, 1857. *[Ratified the 4th day of January, 1859.]*

RESOLUTION IN FAVOR OF ELIAS BARNES, LATE SHERIFF OF
WILSON COUNTY.

Resolved, That the treasurer of this State be and he is hereby authorized to pay to Elias Barnes, late sheriff of Wilson county, twenty dollars (\$20) the same being for tax which he improperly collected, and paid into the public treasury in 1857, and has had to refund since. *[Ratified the 2nd day of February, 1859.]* Refunds \$20.

RESOLUTION IN FAVOR OF H. H. DAVIDSON, SHERIFF OF CHEROKEE
COUNTY.

Resolved, That the public treasurer be and he is hereby authorized to remit the forfeiture of one thousand dollars, recovered against H. H. Davidson, sheriff of Cherokee county, and that his commissions be allowed: *Provided*, That this resolution shall not take effect until the said sheriff shall have made the proper affidavit as now required by law. *[Ratified the 2d day of February, 1859.]* Remits forfeiture.

RESOLUTION IN FAVOR OF E. G. HAYWOOD.

Resolved, That the public treasurer be directed to pay to E. Graham Haywood the per diem compensation allowed to a member of the House up to and inclusive of the eighteenth day of December present. *[Ratified the 4th day of January, 1859.]*

RESOLUTION IN FAVOR OF JOHN J. JOHNSON.

Resolved, That the agent for the collection of Cherokee bonds be and he is hereby authorized to pay to John J. Johnson, of Cherokee county, the sum of ninety-four dollars, for work done on the Western turnpike road, on satisfactory proof being made to him that the work has been done according to contract. To pay \$94.

Resolved further, That the payment herein authorized shall be made by the agent of Cherokee bonds, in bonds pledged by the act of 1848 for the construction of the Western turnpike. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF JUDGE NASH'S EXECUTORS.

Resolved, That the public treasurer be and he is hereby directed to pay to the executor of the late Chief Justice Nash, his last quarter's salary, ending the 1st day of January, 1859. [*Ratified the 4th day of January, 1859.*]

A RESOLUTION IN FAVOR OF GEORGE W. HAMPTON.

Released.

Resolved, That George W. Hampton, former high sheriff of the county of Buncombe, be and he is hereby released and fully discharged from the payment of a penalty of one thousand dollars, which he incurred on account of a mistake made by the clerk of the county court of said county, from the abstract furnished him, by which said sheriff's return of the State taxes fell short of the amount due the State some fifty or sixty dollars, and that judgment for said penalty has been taken and execution issued thereon against said sheriff and his securities. [*Ratified the 8th day of January, 1859.*]

RESOLUTION AUTHORIZING THE GOVERNOR TO FURNISH ARMS TO THE FRANKLIN MILITARY SCHOOL, IN DUPLIN COUNTY.

To furnish arms.

Resolved, That his excellency the governor shall be authorized and required to furnish Richard W. Millard and C. B. Denson, or to the trustees of the Franklin Scientific and Military school, in the county of Duplin, such portion of the public arms as may be necessary for the use of said school, not exceeding sixty-five stand. But before delivering such arms he shall take a bond with two good securities

in double the appraised value of the arms, conditioned for the safe keeping, cleaning and returning thereof when said school shall cease to exist or the governor shall direct. [*Ratified the 8th day of January, 1859.*]

RESOLUTION IN FAVOR OF JOSEPH MARSHALL, SHERIFF OF STANLY COUNTY.

Resolved, That the public treasurer be authorized to pay Refunds \$35.67 to Joseph Marshall, sheriff of Stanly county, the sum of thirty-five dollars and sixty-seven cents, (\$35.67) the amount of taxes overpaid by said sheriff in the year 1857; and that he be allowed the same in the settlement of his accounts. [*Ratified the 8th day of January, 1859.*]

RESOLUTION IN FAVOR OF E. D. NICHOLS, OF JOHNSTON COUNTY.

Resolved, That the treasurer pay E. D. Nichols the sum Refunds \$25. of twenty-five dollars (\$25) the amount paid by said Nichols upon an improper listment of his estate in the year 1857. [*Ratified the 2d day of February, 1859.*]

RESOLUTION IN FAVOR OF G. M. ALBRIGHT, OF ALAMANCE COUNTY.

Resolved, That the public treasurer be and he is hereby Refunds \$8.72. authorized and required to pay G. M. Albright, of Alamance county, (\$8.72) eight dollars and seventy-two cents, it being an excess of tax on annual interest for the year ending 1st July, 1857. [*Ratified the 2d day of February, 1859.*]

RESOLUTION IN FAVOR OF E. G. HAYWOOD.

Resolved, That the public treasurer be directed to pay to E. Graham Haywood the per diem compensation allowed

to a member of the House up to and inclusive of the eighteenth day of December present. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF ELISHA HOLLAND.

Refunds \$8.49.

Resolved, That the public treasurer pay to Elisha Holland three dollars and forty cents, overcharge in taxes paid by him in the year 1856. [*Ratified the — day of —, 1859.*]

RESOLUTION FOR THE RELIEF OF SOLOMON M. WRAY, HIGH SHERIFF OF THE COUNTY OF YANCEY.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*: Whereas, Solomon M. Wray, high sheriff of the county of Yancey, having failed to settle with the comptroller the State taxes due for 1857, of said county as required by law; and whereas, judgment has been taken against said sheriff and his sureties, for the sum of one thousand and twenty-five dollars and twenty-six cents, the amount of said taxes, and the further sum of one thousand dollars forfeiture, incurred as provided for in section 122, chapter 99, Revised Code, and execution having issued and now running for the collection of said amount, returnable to the next term of Wake superior court.

Released.

SEC. 2. *Be it enacted*, That the said Solomon M. Wray, sheriff as aforesaid, and the sureties to his said bond, be and they are hereby released and fully discharged from the payment of said forfeiture of one thousand dollars upon the following conditions and no other, that is to say: the said sheriff is to fully pay, satisfy and discharge the judgment so rendered against him and his sureties, for the sum of one thousand and twenty-five dollars and twenty-six cents, together with all costs accrued thereon, on or before the return of said *fi fa*, and obtain from the treasurer a receipt in full of dues and demands against him and his

sureties, on account of his said default and failure to settle the taxes aforesaid.

SEC. 3. *Be it further enacted*, That whenever it shall be made to appear by receipts, or otherwise, that the amount aforesaid of one thousand and twenty-five dollars and twenty-six cents, the amount of taxes due the State from the county of Yancey, for the year 1857, has been paid to the proper officer authorized to collect and receipt for the same, then the said receipt and payments shall apply to a similar execution now issued and running against one Jackson Stewart and his sureties, former sheriff of said county, and be in full discharge and payment of the same, said executions having issued against the present and former sheriff for the amount, to wit: one thousand and twenty-five dollars and twenty-six cents, the taxes due the State from said county for the year 1857: *Provided however*, That the said Solomon M. Wray, high sheriff of the county of Yancey, shall not be discharged from the payment of the penalty of one thousand dollars obtained against him, until he has accounted for and paid over to the treasurer or comptroller all moneys due the State from Yancey county, for the year 1857, which he may have received, or ought to have collected as double taxes, taxes imposed on unlisted property, on merchants, merchant tailors, jewellers, retailers by the small measure, tavern keepers, billiard tables, bowling alleys, stage players, apothecaries, and on any and all other subjects for which he ought to account, and shall have taken and subscribed the oath prescribed in the 118th section of the 99th chapter of the Revised Code for every sheriff on settling his accounts with the comptroller: *Provided further*, That S. M. Wray shall pay and discharge the whole sum for listed and unlisted taxes due from the county of Yancey, for the year 1857, on the return of the *fi fa* now running against said sheriff of said county, otherwise the penalty is to be collected. [*Ratified the — day of —, 1859.*]

RESOLUTION IN FAVOR OF JAS. A. VINSON, FORMER SHERIFF
OF JOHNSTON COUNTY.

Refunds
\$168.28.

Resolved, That the public treasurer be authorized to pay to Jsa. A. Vinson, former sheriff of Johnston county, one hundred and sixty-eight dollars and twenty-eight cents, it being the amount overpaid by said Jas. A. Vinson in his settlement with the comptroller for the year 1856. [*Ratified the — day of —, 1859.*]

RESOLUTION IN FAVOR OF EBENEZER COMBS.

Refunds \$2.50.

Resolved, That the public treasurer pay to Ebenezer Combs the sum of two dollars and fifty cents, the same being an overcharge in taxes for the year 1857. [*Ratified the 15th day of February, 1859.*]

RESOLUTION IN FAVOR OF MARGARET GARDNER.

\$40 per annum.

Resolved, That the public treasurer pay to Margaret Gardner, of Wayne county, the sum of forty dollars per annum during the term of her natural life. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF DONALD FRAZER.

Refunds \$15.

Resolved, That the public treasurer be and he is hereby authorized and required to pay Donald Frazer, of Burke county, the sum of fifteen dollars, it being an excess of store tax paid by him into the State treasury for the year ending 1st July, 1857. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF R. L. JONES AND OTHERS.

Resolved, That the agent for the collection of Cherokee bonds be and he is hereby authorized to pay to R. L. Jones

and others, contractors for making the Western turnpike road, the sums due them in Cherokee bonds under the authority of the former agent of that road, on satisfactory evidence that the work has been done agreeably to contract. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF A. B. LONG, SHERIFF OF RUTHERFORD COUNTY.

Resolved, That the public treasurer be authorized to pay Refunds \$5.90. A. B. Long, sheriff of Rutherford county, five dollars and ninety cents, it being the amount overpaid by him for the year 1856. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF R. J. MITCHELL.

Resolved, That the public treasurer pay to Rnsh J. Mitchell, of Granville, fifteen dollars and eighty-one cents (\$15.81) for losses sustained on Raleigh and Gaston railroad, when said road was owned by the State. To pay \$15.81. [*Ratified the 16th day of February, 1859.*]

RESOLUTION TO PAY THE LEGAL REPRESENTATIVES OF BARTLET F. WETTY, DECEASED, THE AMOUNT DUE HIM AS TEACHER FOR SCHOOL DISTRICT, NO. 19, FOR ROCKINGHAM COUNTY.

Resolved, That the chairman of the board of superintendents of common schools for the county of Rockingham be required and it is hereby made his duty to pay from the fund due to district No. 19 of said county, to the legal representatives of Bartlet F. Wetty, deceased, such sum of money as may be found to be due the said Bartlet F. Wetty, deceased, for the term he served as school teacher, according to the agreement made with the committee of said school district. [*Ratified the 7th day of February, 1859.*]

RESOLUTION IN FAVOR OF THEODORE SCHRADER.

Refunds \$23.23

Resolved, That the treasurer of the State be directed to pay Theodore Schrader twenty-three dollars and twenty-three cents, an excess of taxes paid by him during the year 1856, by reason of a mistake of the justice who took the tax list. [*Ratified the — day of —, 1859.*]

RESOLUTION IN FAVOR OF W. J. W. CROWDER.

Refunds \$100.

Resolved, That the public treasurer be and he is hereby directed to pay to Wm. J. W. Crowder, the sum of one hundred dollars, being the amount paid by him to the sheriff of Warren county, in the year 1858, improperly collected for peddling books in said county. [*Ratified the 15th day of February, 1859.*]

RESOLUTION IN FAVOR OF H. N. BRITAIN, OF HAYWOOD COUNTY.

To pay \$44.

Resolved, That the agent of the State for the collection of Cherokee bonds be and he is hereby authorized to pay H. N. Britain, contractor on the western turnpike, forty-four dollars, in Cherokee bonds, upon satisfactory proof being made that he has completed his contract, and that the above sum is due and remains unpaid. [*Ratified the 15th day of February, 1859.*]

A RESOLUTION IN FAVOR OF JOHN WILSON, OF ALAMANCE COUNTY.

Refunds \$28 31

Resolved, That the public treasurer be hereby authorized and instructed to pay to John Wilson, of Alamance county, twenty-eight dollars and thirty-one cents, excess of tax paid by him into public treasury for the year 1855. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF HENRY VON GLAHN AND H. BAKER.

Resolved, That the public treasurer be authorized and required to refund to Henry Von Glahn the sum of twenty-seven dollars and ninety cents, (\$27.90,) an amount overpaid by him as tax, by reason of a mistake in the tax list received of the town of Wilmington; and that the public treasurer be also required to refund to H. Baker the sum of ten dollars, in like manner overpaid. [*Ratified the 15th day of February, 1859.*] Refunds \$27.90

RESOLUTION IN FAVOR OF EDWARD KIDDER.

Resolved, That the public treasurer be authorized and required to refund to Edward Kidder the sum of two hundred and fifty-one dollars and ninety-eight cents (\$251.98) an amount of money overpaid by him as tax, by reason of a mistake of the tax list receiver of the town of Wilmington. [*Ratified the 16th day of February, 1859.*] Refunds \$251.98.

RESOLUTION IN FAVOR OF C. N. WHITE, OF CABARRUS COUNTY.

Resolved, That the treasurer be authorized to pay to C. N. White fifty-four dollars out of any moneys in the treasury, being the amount overpaid by him to the sheriff of Cabarrus county in taxes for the year 1856. [*Ratified the — day of February, 1859.*] Refunds \$54.

RESOLUTION IN FAVOR OF WILLIAM A. WALTON.

Resolved, That the public treasurer be and he is hereby authorized and instructed to refund to William A. Walton, sheriff of Rowan county, the sum of one hundred and seventeen dollars and forty-six cents, the amount overpaid by him in the payment of the State tax for the year 1858. [*Ratified the 16th day of February, 1859.*] Refunds \$117.46.

RESOLUTION IN REGARD TO A DREDGE BOAT ON NEW RIVER.

Preamble.

WHEREAS, The New River Navigation Company having stopped operations on said river, and the dredge and dumping boats being laid aside by the company on one side of the river, and the same having sunk to the bottom, and the machinery of the same being under water, at the expense and loss of the State; and whereas it is believed it would be greatly to the advantage of the Atlantic and North-Carolina railroad to make a straight channel from Beaufort to the terminus of said Atlantic railroad at Morehead City, instead of having to go the circuitous route by the fort, of an increased distance of two or three miles, at a late hour of the night, subject at any time to being grounded on the various shoals lying along the channel way; and whereas the people of Beaufort have gone to the expense of building a fine steamer for the purpose of connecting Beaufort with the Atlantic and North-Carolina railroad at Morehead City:

Dredge boats.

Be it therefore resolved, That if the people of Beaufort will, at their own expense, get up said dredge and dumping boats, that are now sunk in the waters of New river, and convey the same to the town of Beaufort, in the county of Carteret, for the purpose of opening a channel from said town to the terminus of said Atlantic and North-Carolina railroad at Morehead City, of which the State is four-fifths owner, the State does hereby release to the commissioners of said town of Beaufort all her right, title and interest in and to the said dredge and dumping boats, belonging to the New River Navigation Company. [*Ratified the 15th day of February, 1859.*]

A RESOLUTION IN FAVOR OF DABNEY COSBY.

Refunds \$16.55

Resolved, That the public treasurer pay to Dabney Cosby the sum of sixteen dollars and fifty-five cents, amount of double tax paid by him in the year 1855. [*Ratified the — day of February, 1859.*]

RESOLUTION IN FAVOR OF L. S. WEBB, S. J. LATHAM AND F. W. MOORE, TRUSTEES OF G. L. MOORE.

Resolved, That the public treasurer be authorized to pay Refunds \$120.
L. S. Webb, S. J. Latham and F. W. Moore, trustees of G. L. Moore, the sum of one hundred and twenty dollars, which amount was wrongfully collected out of the said trustees of G. L. Moore, through an error in taking the list of taxables of Martin county for the year 1857. [*Ratified the 2nd day of February, 1859.*]

RESOLUTION IN FAVOR OF J. J. JAMES.

Resolved, That the public treasurer pay to J. J. James Refunds \$15.
the sum of fifteen dollars, amount overpaid by him as taxes in the year 1857, under a misapprehension of the revenue law. [*Ratified the — day of February, 1859.*]

RESOLUTION IN FAVOR OF JUDGE NASH'S EXECUTOR.

Resolved, That the public treasurer be and he is hereby directed to pay to the executor of the late chief justice Nash, his last quarter's salary ending the 1st day of January, 1859. [*Ratified the 16th day of February, 1859.*]

RESOLUTION IN FAVOR OF W. WATSON.

Resolved, That the public treasurer pay to W. Watson seven dollars, the amount of the accompanying account. [*Ratified the 15th day of February, 1859.*]

RESOLUTION FOR THE RELIEF OF JACKSON STEWART, FORMER SHERIFF OF THE COUNTY OF YANCEY.

SECTION 1. *Be it enacted by the General Assembly of the* Preamble.
State of North-Carolina, and it is hereby enacted by the

authority of the same: Whereas Jackson Stewart, former sheriff of Yancey, having resigned his said office as sheriff of said county at the court of pleas and quarter sessions opened and held for said county on the 4th Monday after the 4th Monday in March, A. D. 1858, which said resignation was accepted by said county court, upon the express condition that the said sheriff was to surrender the tax list for the year 1851 into open court, and place the same in the possession of said court that it might be made a matter of record; which said list was surrendered by said sheriff and made a matter of record in said court, and from thenceforward the said Jackson Stewart ceased to be sheriff of said county, and delivered over all papers and processes appertaining to his said office to his successors: And whereas at the last term of Wake superior court, on motion, a judgment was rendered against said Jackson Stewart, former sheriff as aforesaid, and his sureties for the sum of one thousand and twenty-five dollars and twenty-six cents, the amount of taxes in arrears for the year 1857, due the State, and the further sum of one thousand dollars forfeiture incurred under the present law for failure to settle with the comptroller by the 1st day of October, 1858, for the State taxes due for the year 1857 from said county, and execution has issued on the judgment aforesaid, and is now running against said former sheriff and his sureties, returnable to the next term of said court:

Released.

SEC. 2. *Be it further enacted,* That the said Jackson Stewart, former sheriff as aforesaid, and his sureties to his said bond, be and they are hereby released and fully discharged from the payment of said forfeiture of one thousand dollars upon the following conditions and no other, that is to say: If the said Jackson Stewart, former sheriff, or Solomon M. Wray, present sheriff, or their sureties, shall fully pay, satisfy and discharge the present judgment of one thousand and twenty-five dollars and twenty-six cents, the amount of taxes in arrears due from said county of Yancey, for the year 1857, together with all costs accrued thereon, on or before the return day of said *fi fa*, and obtain from the treasurer a receipt in full of all dues and demands against him and his sureties on account of the default and

failure to settle and pay the taxes aforesaid. [*Ratified the — of —, 1859.*]

RESOLUTION IN FAVOR OF SARAH A. JOHNSON.

Resolved, That the public treasurer pay to Sarah A. Johnson fifty-one dollars and ninety-four cents, amount overpaid in taxes. [*Ratified the — day of —, 1859.*]

STATE OF NORTH-CAROLINA,
OFFICE OF SECRETARY OF STATE, }
April, 1859. }

I, RUFUS H. PAGE, Secretary of State, in and for the State of North-Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet, are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its late Session.

RUFUS H. PAGE, *Secretary of State.*

